

STATE OF CALIFORNIA  
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

THURSDAY, AUGUST 27, 2020

9:30 a.m.

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APPEARANCESCOMMISSIONERS

Trena Turner, Chair  
Isra Ahmad, Vice-Chair  
Linda Akutagawa, Commissioner  
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Russell Yee, Commissioner

STAFF

Marian Johnston, Interim CRC Staff Counsel  
Raul Villanueva, Interim Administrator

TECHNICAL CONTRACTORS

Kristian Manoff, AV Technical Director/Comment Moderator

PRESENTERS

Dr. Doug Johnson  
Dr. Andrew Busch

**Also Present**PUBLIC COMMENT

Alejandra Ponce de Leon, Advancement Project California  
Jonathan Mehta Stein, California Common Cause, et al.  
Carol Moon Goldberg, League of Women Voters of California  
Angelo Ancheta, Member 2010 Redistricting Commission  
Eric Fisher  
Martin Campos  
Abi  
Jacqueline Coto, NALEO  
Sophia Garcia



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P R O C E E D I N G S

1  
2 August 27, 2020

9:30 a.m.

3 CHAIR TURNER: Good morning and welcome back to our  
4 day 2 of our Citizens Redistricting Commission. We'll  
5 reconvene effective now.

6 And so good morning to everyone and thank you to  
7 those that are joining in. We'll start with our Agenda  
8 Item -- or continue with our Agenda Item Number 11. I  
9 believe that's where we're starting today.

10 MS. JOHNSTON: Good morning, Commissioners. As you  
11 probably know, redistricting was committed to the state  
12 Legislature until 2010. And in 2008, Proposition 11  
13 created the Commission and gave it the authority to do  
14 the districting for the state Senate Assembly and Board  
15 of Equalization. Then, in 2010, Proposition 20 added the  
16 members of the House of Representatives.

17 That was a decision that caused a Constitutional  
18 question about whether or not that was legitimate. Based  
19 on a provision in the United States Constitution saying  
20 that the time, place, and manner of holding elections for  
21 senators and representatives shall be prescribed in each  
22 state by the Legislature thereof. And obviously, this  
23 took it away from the Legislature and gave it to the  
24 people through the Commission.  
25



1           The saving grace is that the proposition authority  
2 that was given to the people of California in 2009, I  
3 believe it was, gave the power of initiative and  
4 referendum to the people, allowing them to deal with  
5 legislation either by initiating legislation or  
6 Constitutional amendments by way of initiative or  
7 repealing statutes by way of the referendum.

8           So a similar issue arose in Arizona, where there was  
9 also a redistricting proposition passed by the people,  
10 and that went up to the United States Supreme Court. And  
11 the California Commission participated as well. And what  
12 the Supreme Court decided, luckily, was that because the  
13 initiative power is the legislative power of the state,  
14 as well as the legislative power being administered by  
15 the Legislature itself, that it was legitimate for the  
16 people to enact an initiative changing the redistricting  
17 power from the Legislature to an independent Commission.

18           A number of other states have attempted to create  
19 redistricting statutes, particularly after the recent  
20 Supreme Court decision, saying that the Court would not  
21 get involved in partisan gerrymandering. It would get  
22 involved in racial gerrymandering, but not in a partisan  
23 where the Legislature decides to favor one party or the  
24 other. Unfortunately, not all states -- in fact, only  
25 about 20 states do give the initiative power to the



1 people. So it will be difficult to get state  
2 Legislatures where there is no initiative power to give  
3 up their power to redistrict. So that is an issue which  
4 is a hot topic among other states, but luckily not a  
5 problem in California.

6 Your Commission is independent in substantial part,  
7 not subject to the Legislature or the executive branches  
8 of government, and only slightly subject to limited  
9 review by the judicial branch. As you know, the  
10 application process is largely controlled by the state  
11 auditor, who is an independent entity herself. The  
12 Legislature's role is only to remove a limited number of  
13 positions.

14 Once applicants are selected as qualified by the  
15 state auditor, then each -- the speaker, the minority  
16 leader, the president, pro tempore, the Senate, and the  
17 Minority Leader of the Senate can each strike up to two  
18 applicants from each of the three pools. And after that,  
19 it's a random drawing, and then you all pick the next  
20 six. So in the selection process, the Legislature has  
21 only a very limited power, and that's a power to exclude,  
22 not to put people on the Commission.

23 Another way that the Legislature is limited is in  
24 trying to amend the provisions, because this was created  
25 by initiative power. The people's will in the initiative



1 cannot be changed except as provided in the initiative.  
2 And what the initiative said was that in order for any  
3 amendment to be done, the amendment has to be generated  
4 by the Commission itself. The language of any amendment  
5 that the Legislature adopts has to be identical to that  
6 approved by the Commission, and it must carry out the  
7 purposes of the original initiative.

8 That was done in 2012, where a few changes were made  
9 in your statutes. For instance, when the power to  
10 redistrict the representatives was added in 2020, it also  
11 changed the date when maps were due till August 15th  
12 instead of September 15. There was a problem that was  
13 not addressed in Proposition 20, which was that although  
14 you normally have to give fourteen-days' notice for your  
15 meetings, the original proposition said that in the month  
16 of September you only had to give three-days' notice.

17 Because the amendment in 2010 did not change it  
18 from -- although it changed the due date from September  
19 to August, it obviously didn't change the three-day  
20 notice from September to August. So the way the  
21 Commission did a workaround was to notice meetings on  
22 every day during the month of August to allow the 2010  
23 Commission to carry out its redistricting process.

24 If the Commission were to delay following the  
25 Supreme Court -- California Supreme Court's lead, and

1 delay redistricting until December, you would have the  
2 same problem, in that you have to give fourteen-days'  
3 notice in every month except August now. But you could  
4 follow the process of the prior Commission and simply  
5 notice meetings set every day. So there are workarounds,  
6 but because it's created by initiative, it is difficult  
7 to amend the statute, which gives more security to the  
8 redistricting process done by the independent Commission.

9       The other way that the power of both the Legislature  
10 and the executive is limited is in the power of the  
11 budget, which of course is substantially important. The  
12 budget that the governor submits, and the Legislature  
13 passes for the Commission, each centennial has to be  
14 equal to or more than the prior Commission -- the prior  
15 ten years -- and then it can be added to as necessary.  
16 So you have that little bit of protection from any  
17 budgetary restraints that the Legislature might otherwise  
18 want to impose on the Commission.

19       And the other power that the executive has to a  
20 certain extent is the statute says, the Commission, with  
21 fiscal oversight from the Department of Finance, shall  
22 have procurement and contracting authority. That is the  
23 reason why you had the provision in front -- the  
24 proposals in front of you yesterday to allow Raul to  
25 enter into some of the contracting agreements that have





1 to go through the Department of Finance because you don't  
2 have independent authority to enter into contracts. It's  
3 got to be done with the approval of the other executive  
4 agencies.

5 The role of the Judicial Branch is limited in an  
6 important way in that any challenge to the Commission  
7 maps has to be done solely by petition to the California  
8 Supreme Court, and the Court has original jurisdiction  
9 whenever a map that you certify is challenged.

10 So among the most important of those, I think that  
11 the restriction on the budget and the restriction on  
12 limiting the amendments governing the Commission are  
13 probably the most important.

14 Why don't I stop there and see if there's any  
15 questions before I go on to what your authority is? Any  
16 questions? Good. Okay.

17 As you know, you are to establish single member  
18 districts for the Senate --

19 COMMISSIONER SINAY: Marian?

20 MS. JOHNSTON: Yes.

21 CHAIR TURNER: Yeah, there was one question.

22 MS. JOHNSTON: I'm sorry. I didn't see you.

23 COMMISSIONER SINAY: Just a quick question. All the  
24 way at the beginning you had said that the Supreme Court  
25 said they will not get involved in political

1 gerrymandering, but they will in racial gerrymandering.

2 MS. JOHNSTON: The United States Supreme Court,  
3 correct.

4 COMMISSIONER SINAY: Right. Do you or any of the  
5 other Commission members understand why they've separated  
6 out since political gerrymandering seems to be the big  
7 issue? The big challenge.

8 MS. JOHNSTON: I can only speculate. Traditionally,  
9 the Court has been reluctant to get involved in political  
10 questions, saying that that's not within their purview  
11 and it's not really a legal issue; it's a political  
12 question. And although gerrymandering does have certain  
13 overtones of equal protection issues arising, if the  
14 people are gerrymandered -- districts are gerrymandered  
15 so that people are not given a fair right to electronic  
16 their representatives, the Court decided to see it as a  
17 partisan issue, that they would simply stay away from.  
18 They could have gone either way.

19 Yes, Commissioner Kennedy.

20 COMMISSIONER KENNEDY: The other issue is that the  
21 U.S. Supreme Court has said that no one has yet presented  
22 an adequate measure of gerrymandering. In other words,  
23 how do we determine whether it's egregious or not? And  
24 no one has yet presented them with what the Court  
25 considers an adequate measure of how extreme a

1 gerrymander is.

2 MS. JOHNSTON: That's correct.

3 COMMISSIONER KENNEDY: So they're waiting, and there  
4 are academics who are busy trying to develop adequate  
5 measures that will satisfy the Supreme Court.

6 MS. JOHNSTON: What the proponents argued to the  
7 Supreme Court was that there was, by negative  
8 implication, guidelines developed from the voting rights  
9 cases, and those are largely repeated in the criteria  
10 that you are to apply in doing your district drawing  
11 about equal numbers, about not considering partisan,  
12 about the variety of other factors you are to consider.  
13 But the Supreme Court said that was not sufficient, and  
14 you'd have to have something further, as Commissioner  
15 Kennedy was saying.

16 Anything else? Okay. So your duty is to draw  
17 single member districts for the representatives in the  
18 Assembly, the Senate, Board of Equalization, and the  
19 House of Representatives. And that power is plenary. No  
20 one, except for if you do something illegal, can  
21 circumvent what you decide. And you're given quite a lot  
22 of power in your operations. For example, staff serve at  
23 your pleasure. There's no civil service requirement for  
24 your staff. You have to have a special vote to approve  
25 your final maps. But once they're approved, that is

1 something that's totally within what you decide to do,  
2 unless the Court finds that somehow you violated what the  
3 procedure set out that you were to follow. There's  
4 nothing that the Court can do about it. And that came  
5 up.

6       There was a referendum -- a referendum is when  
7 people get together and have enough signatures to  
8 challenge an action, usually by the Legislature. But  
9 they also have the authority to challenge an action by  
10 the Commission by referendum power. And there was an  
11 attempt to referendum the state Senate districts last  
12 time around. And the Supreme Court rejected the argument  
13 that while they were collecting signatures, the use of  
14 those Senate districts should be stayed, and the old  
15 district should be used.

16       There are a lot of questions that came up during  
17 that litigation of why the Court decided to go ahead and  
18 allow the Commission boundaries to be used for the  
19 current year, even though the referendum process was  
20 still going on. By the way, the referendum ultimately  
21 failed, and it didn't get enough votes to qualify.

22       I think one of the main reasons that the Court  
23 decided to allow the districts created by the 2010  
24 Commission to be used was the process that the Commission  
25 had followed. And as we'll talk about when we talk about

1 transparency, the Court was really impressed with the  
2 amount of public input that went in to the line drawing  
3 process. The number of hearings that were held, the  
4 number of speakers that presented arguments, the number  
5 of documents that were submitted was really substantial.  
6 And the Court found that given that devotion to duty and  
7 creating the Commission, that certainly whatever the  
8 Commissions -- whatever was the ultimate result of the  
9 referendum on the Commission's maps, that the Commission  
10 District was certainly appropriate to be used while the  
11 referendum process was going on.

12 That's probably all I have about the -- I guess  
13 another -- the other limitation on Commissioners is when  
14 you can be removed, and if you are removed, it's only  
15 under very limited circumstances. It has to be by -- let  
16 me get the exact language here -- substantial neglect of  
17 duty, gross misconduct in office, or inability to  
18 discharge the duties of office. Then you can only be  
19 removed by the Governor with a concurrence of two-thirds  
20 of the members of the Senate, which is a fairly high  
21 barrier to attempt to reach. So I doubt that -- it would  
22 be very difficult for any Commissioner to be removed for  
23 cause.

24 Okay. I think that unless you have questions about  
25 what else you may do, we'll be talking more during the



1 line-drawing discussion about exactly the criteria to use  
2 and how you're to apply that. But as far as your  
3 authority, it's pretty much plenary. Any questions?  
4 Okay. Thank you, Commissioner Turner.

5 CHAIR TURNER: There's a question.

6 COMMISSIONER YEE: I have a question or questions.

7 CHAIR TURNER: Yes, we have a question from  
8 Commissioner Yee.

9 COMMISSIONER YEE: I'm curious about the legislative  
10 strikes. Of course, they're not required to give any  
11 reason for the strikes, but I did notice that in both  
12 2010 and 2020, they exercise the maximum number of  
13 strikes. And I'm just wondering if you have any  
14 speculation as to the mindset and thinking and logic that  
15 goes behind this?

16 MS. JOHNSTON: I wouldn't even attempt to speculate.  
17 Commissioner Kennedy?

18 COMMISSIONER KENNEDY: Once we've finished this, I  
19 just wanted to draw the chair's attention to our intent  
20 from yesterday, to begin today with public comment.

21 MS. JOHNSTON: Okay. Madam Chair, do you want to  
22 move on to item 12?

23 CHAIR TURNER: Well, I did want to thank you,  
24 Commissioner Kennedy. And I apologize. I totally forgot  
25 to open with public comment. So I do want to go there,

1 and then I think we need public comment on 12 as well.

2 And so Jeff, if you can -- well, actually is Raul  
3 available to read the instructions, and then, Jeff, we  
4 can go to public comment?

5 INTERIM ADMINISTRATOR VILLANUEVA: Madam Chair, yes,  
6 I'm here.

7 CHAIR TURNER: Okay. Great. Will you read the  
8 instructions, please?

9 INTERIM ADMINISTRATOR VILLANUEVA: Yes, ma'am.  
10 So in order to maximize transparency and public  
11 participation in our process, the Commissioners will be  
12 taking public comment during their meetings by phone.  
13 There will be opportunities to address the Commissioners  
14 regarding the items on the agenda and the process in  
15 general.

16 In addition, for each agenda item that requires a  
17 vote, the public may provide comment on that particular  
18 item. Each time that the Commissioners bring up an  
19 action item, the viewing audience will be informed that  
20 it is time to call in if they wish to make a public  
21 comment. The Commissioners will then allow the  
22 opportunity for those who wish to comment to join the  
23 discussion.

24 To make a public comment, please dial 877-226-8163.  
25 After dialing the number, you will speak to an operator



1 and be asked to provide the access code for the meeting,  
2 which is 5185236, or the name of the meeting which is CRC  
3 First Commission Meeting. After providing this  
4 information, the operator will ask you to provide your  
5 name. Please note you are not required to provide your  
6 actual name. If you do not wish to, you may either  
7 provide your own name or a name other than your own.  
8 When it's your turn to make a public comment, the  
9 moderator will introduce you by the name that you did  
10 provide.

11 Providing a name helps AT&T, which is hosting this  
12 public comment process, to ensure that everyone holding  
13 for public comment has a chance to submit their comments.  
14 Please be assured the Commission is not maintaining any  
15 list of callers by name and is only asking for names so  
16 that the call moderator can manage multiple calls  
17 simultaneously, and also to let you know when it is your  
18 turn to speak.

19 After providing a name and speaking with the  
20 operator, you will be placed in a listening room, which  
21 is a virtual meeting room where you will wait until it is  
22 your turn to speak. You will be able to listen to live  
23 audio of the meeting. Please remember to mute your  
24 computer or livestream audio because the online video and  
25 audio will be approximately sixty seconds behind the live





1 audio you are hearing on your telephone. So if you fail  
2 to mute your computer or livestream audio, it will be  
3 extremely difficult for you to follow the meeting and  
4 difficult for anyone to hear your comment due to the  
5 feedback issues that will occur. Therefore, once you are  
6 waiting in the queue, please be alert for when you may be  
7 called upon to speak, and then turn down your livestream  
8 volume.

9 From listening room, listen to the meeting and call  
10 the moderator. When you decide that you want to make a  
11 comment about the agenda item currently being discussed,  
12 you may press one zero. That's one zero, and you will  
13 you will be placed in the queue to make your public  
14 comment. When joining the queue to make a public  
15 comment, you should hear an automatic recording that  
16 you've been placed in the queue. You will not receive  
17 any further instruction until the moderator brings you in  
18 to make your public comment.

19 At that time, the moderator will open your line and  
20 introduce you by the name that you provided, and once  
21 again, make sure that you have muted any background noise  
22 from your computer. Please not use a speakerphone, but  
23 rather speak directly in to the phone. After the  
24 moderator introduces you, please state the name you  
25 provided to the operator, and then state your comment



1 clearly and concisely. After you finish making your  
2 comment, the Commissioners will move on to the next  
3 caller and you may hang up your call.

4 If you would like to comment on another agenda item  
5 at a later time, please call back when the Commissioners  
6 open up to public comment for that item and you may  
7 repeat this process. If you are disconnected at any time  
8 for any reason, please call back and explain the issue to  
9 the operator, and then you may repeat this process and  
10 rejoin the public comment queue, again by pressing one  
11 zero.

12 The Commissioners will be taking comment for every  
13 action item on the agenda. As you listen to the online  
14 video stream, public comments will be solicited by the  
15 Commission and that is the time to call in. The process  
16 for making a comment is the same each time. Begin by  
17 dialing 877-226-8163 and follow these steps. These  
18 instructions are also posted on the website. Thank you.

19 Madam Chair.

20 CHAIR TURNER: Thank you, Raul. I appreciate that.  
21 Jeff, do we have any callers in the queue?

22 AT&T AT&T OPERATOR: We do not, Madam Chair.

23 CHAIR TURNER: Okay. Thank you so much.

24 Commissioners, was there any other comment that you  
25 have on the Agenda Item Number 11 before we move to 12?



1           Okay. Thank you.

2           We'll now move to Agenda Item Number 12.

3           Marian, that will be you as well. The training on  
4 transparency.

5           MS. JOHNSTON: And this one is very difficult, and I  
6 will be the first to admit that giving public access can  
7 be a hassle. But I think we all understand how important  
8 it is. I know on the first day, dealing with the  
9 selection of the next six, kept talking about the need to  
10 have participation from each seat at the table. And as I  
11 look at the Public Records Act and the Bagley-Keene Open  
12 Meetings Act, its purposes are to give the public a seat  
13 at the Commission meetings. And that's why it's very  
14 important that even though it's sometimes a hassle, it's  
15 very important and very worthwhile to make sure that  
16 that's accomplished.

17           There are a couple of Constitutional provisions to  
18 start with. One is your own governing Article 21 that  
19 says the Commission shall conduct an open and transparent  
20 process, enabling full public consideration of and  
21 comment on the drawing of district lines. There's also a  
22 general right of public access to the government set out  
23 in Article 1, Section 3, saying the people have the right  
24 of access to information concerning the conduct of the  
25 people's business, and therefore, the meetings of public

1 bodies and the writings of public officials and agencies  
2 shall be open to public scrutiny.

3       These requirements for public contribution are also  
4 repeated in your own governing statutes. 8253 Section A1  
5 says the Commission shall comply with Bagley-Keene with  
6 two exceptions, that I think you're now aware of. One is  
7 that although Bagley-Keene requires ten-days' notice,  
8 your statute requires fourteen-days' notice, except, as I  
9 stated before, in the month of August and years ending in  
10 one where you can give three-days' notice.

11       The other requirement that differs from Bagley-Keene  
12 is that it doesn't apply to just a majority of the  
13 members. In order to have a meeting, you must have nine  
14 to have a quorum. Normally, for a committee of fourteen,  
15 which you are, it would only be eight. But your statutes  
16 say that it has to be nine. And the records of the  
17 Commission pertain to redistricting and all data  
18 considered by the Commissioner of Public Records that  
19 would be posted in a manner that ensures immediate and  
20 widespread public access.

21       So that's why it's very important that all of your  
22 documents be available to the public by being posted on  
23 the website. And writing public records includes all  
24 writings which are defined as basically anything that can  
25 be communicated to other people. Including anything

1 transmitted by electronic mail, every other means of  
2 recording upon any tangible thing, any form of  
3 communication, including letters, words, pictures,  
4 sounds, symbols or combination thereof, in any record  
5 created, regardless of the manner in which the record has  
6 been stored.

7         One of the reasons why I ask that you all use your  
8 CRC email, and your CRC telephones has to do with The  
9 City of San Jose case that was decided by the California  
10 Supreme Court a few years ago, which says that if you use  
11 your personal computers, your personal emails, your  
12 personal telephones and for business of the Commission,  
13 those become subject to Public Records Act requests as  
14 well. And you would be amazed at what people put in to  
15 emails.

16         So be careful when you're writing emails that you  
17 realize they may all be subject to public review at some  
18 point. But I assume that most of you would not like to  
19 turn over your entire list of personal email  
20 communications or telephone records for public review,  
21 and therefore, we do urge you to use your Commission  
22 equipment for all communications. It just makes life a  
23 lot easier for you and for us if we get a Public Records  
24 Act request.

25         One of the sections that there was some comment



1 about, I know with the first eight, is a section that  
2 says members and staff may not communicate with or  
3 receive communications about redistricting matters from  
4 anyone outside of a public hearing. This doesn't refer  
5 to communication with each other or with staff, although  
6 those are limited in other ways I'll talk about. But  
7 what that really applies to is receiving information from  
8 other persons that may be relevant to your job of  
9 redistricting.

10       The 2010 Commission recognized, I think rightly,  
11 that that has to be interpreted realistically. Meaning  
12 that if it's information that's available to the general  
13 public, such as a newspaper article, a television show,  
14 radio announcement, a book, whatever public media you're  
15 talking about, this doesn't apply to information you  
16 might receive by those means, but it refers to personal  
17 transmission of information to you.

18       And my suggestion, if anyone attempts to communicate  
19 with you, is you just simply say that in order to protect  
20 the right of the public to access that information has to  
21 be conveyed directly to the entire Commission, either by  
22 submitting a document to the Commission that becomes  
23 public comment that's posted on the website, or by  
24 participating in a Commission meeting where, again, it's  
25 all open to the public.

1           The major requirement that I think is most difficult  
2 to comply with, however, is the prohibition on serial  
3 meetings. Several of you have served on other state or  
4 local bodies, may be familiar with the idea of a serial  
5 meeting, but a serial meeting is one which doesn't happen  
6 in the public, but is a series of communications among  
7 the members; and it can either be what's called a hub or  
8 a chain. A hub is where one person in the middle reaches  
9 out and contacts a variety of different persons. A chain  
10 is where one person talks to another person who talks to  
11 another person or talks to another person. The danger in  
12 any of those is that you may reach the magic quorum  
13 number, and then it would become an illegal meeting  
14 because it's not done in the eye of the public. So I  
15 would warn you to be careful of that.

16           Two other provisions of Bagley-Keene that I wanted  
17 to call your attention to. One is what we talked about  
18 yesterday, about an advisory committee of no more than  
19 two members. Yes. Commissioners Sinay.

20           COMMISSIONER SINAY: Before we move from that one,  
21 because having served on a school board, I understand  
22 serial meetings, but I also feel that there's nuances to  
23 it that I want to make sure that we all understand or  
24 that -- so my understanding -- and this is like the email  
25 about -- an email about logistics would be okay.

1 MS. JOHNSTON: Right.

2 COMMISSIONER SINAY: Figure out, should we all go  
3 together, or should we not go together? That's okay. An  
4 email saying, hey, I think line number six should be  
5 moved over to here, would not be okay.

6 MS. JOHNSTON: Correct.

7 COMMISSIONER SINAY: If there is an article that we  
8 saw in the paper about the Commission, can it be sent out  
9 to all the members? Like if I read something, I'm like,  
10 oh, and it's interesting, can I send it out to all the  
11 members, or would that be considered serial?

12 MS. JOHNSTON: You can send it to all the members,  
13 provided that you also send it to be posted on the  
14 website as information for the public.

15 COMMISSIONER SINAY: Perfect. Because I think that  
16 would be great for the public, as the articles come out  
17 and stuff and some of these background documents to be  
18 put on our website. So because part of the difficulty  
19 we're having is finding them.

20 MS. JOHNSTON: Yep.

21 INTERIM ADMINISTRATOR VILLANUEVA: Marian, if I  
22 might jump in? In the situation that you're describing  
23 where you have something that you would want to go out to  
24 the full Commission, really a better way to do that is to  
25 send it to your staff. Then they can go ahead and take



1 care of having it be posted, send it out to everybody  
2 else and take care of any of the other matters that go  
3 with that.

4 MS. JOHNSTON: Absolutely. Posting is not an easy  
5 activity, as we learned yesterday.

6 INTERIM ADMINISTRATOR VILLANUEVA: No.

7 COMMISSIONER SINAY: So does it need to be posted  
8 before it goes out to all the other members? Because  
9 sometimes an article -- we're going to want to know, hey,  
10 this is out there in the press. Do we need --

11 MS. JOHNSTON: It doesn't need to go out to all the  
12 members. You can discuss it. You can send it out to all  
13 the members, but it can't be discussed until it's during  
14 an open meeting.

15 INTERIM ADMINISTRATOR VILLANUEVA: And once you have  
16 a communication director, that would be the staff person  
17 you would send that to, so that they're aware also of  
18 something that's catching your eye.

19 MS. JOHNSTON: Any more questions about that?  
20 Because it is a difficult area and one there has been  
21 quite a bit of litigation.

22 Yes. Commissioner Sadhwani.

23 COMMISSIONER SADHWANI: Yes, thank you. And a thank  
24 you to Commissioner Sinay as well for this question,  
25 because it's also been on my mind as well. Certainly

1 there have been articles written about the Commission in  
2 the last couple of months. There's also been reports  
3 that have been put out by various public policy groups.  
4 And I think one of the questions I also have kind of  
5 straddles both this question about serial meetings as  
6 well as receiving information from other people during  
7 the time of COVID. Everything's online, or most things  
8 are online, or recordings of meetings are online that may  
9 not come from the press, per se. But it seems that there  
10 are a lot of organizations talking about things.

11 I had brought this up in the earlier meetings that  
12 there were conversations happening where I ended up not  
13 participating in them and not even logging in to view  
14 them. But at the same time, there are organizations that  
15 are providing perspectives on various cities around much  
16 of the state and I think would be helpful just to get  
17 guidance. Is it that if that occurs -- an organization  
18 records their conversations, we then choose to put it up  
19 as public comment if we want to share it with the other  
20 commissioners?

21 MS. JOHNSTON: Correct.

22 COMMISSIONER SADHWANI: And I wonder, and at that  
23 level, like, well, at some point there could be a lot of  
24 information. Is that something that we wouldn't want to  
25 systematize in some way, shape or form? Or does it

1 become perhaps too daunting of a task, or --

2 MS. JOHNSTON: That --

3 COMMISSIONER SADHWANI: I guess I'm seeking  
4 additional guidance on that.

5 MS. JOHNSTON: That was a real problem for the last  
6 Commission, trying to categorize public comments that  
7 came in. And there was not a successful way, probably  
8 because we didn't have a staff person devoted to doing  
9 that. That may be something the Commission wants to  
10 consider. But an enormous amount of material comes in,  
11 and it's very hard to -- even if you read it all the  
12 first time, to go back and access where it is, where you  
13 want to recover and draw attention to something.

14 So I would certainly recommend setting up some kind  
15 of an indexing system that you can retrieve information  
16 when you want to.

17 Commissioner Kennedy.

18 COMMISSIONER KENNEDY: Yes. Following on  
19 Commissioner Sadhwani's question. I had raised with  
20 previous counsel a question about attending -- and in the  
21 age of COVID, attending virtually -- local redistricting  
22 commissions because as far as developing an understanding  
23 of communities of interest, I think that at least  
24 virtually attending county or municipal redistricting  
25 commission hearings could be a great source of wisdom,

1 knowledge, input as far as local communities of interest.  
2 And as I recall, I was told that question of whether we  
3 could, in fact, attend those should be deferred until we  
4 were the entire Commission of fourteen. So I see this as  
5 a good opportunity to bring this back up.

6 MS. JOHNSTON: Certainly. Well, it's addressed in  
7 Government Code 11122.5, part of Bagley-Keene, that you  
8 all should have gotten a copy of. It's the same section  
9 that says that a majority shall not, outside of the  
10 meeting, use any series of communications of any kind to  
11 collect information. But that same statute says you are  
12 not prohibited from attending meetings of other bodies  
13 that are open to the public. Assuming that anyone who is  
14 interested in that particular -- the activities of that  
15 Commission would also be -- if it's a public entity,  
16 would be subject to either the Brown Act, if it's a local  
17 government, or Bagley-Keene if it's a state agency.

18 The problem is, if information is presented that's  
19 not part of the public record, and in such circumstances,  
20 then you would be not only violating Bagley-Keene, but  
21 doing a disservice to the Commission in not allowing all  
22 that information to be presented publicly to the  
23 Commission. So it really depends on the nature of the  
24 entity and the type of meeting that you're talking about.  
25 That's a little vague. I hope it's sufficient.

1 Yes. Commissioner Ahmad.

2 COMMISSIONER AHMAD: Actually, I'll defer to  
3 Commissioner Vasquez, she had her hand up quite some  
4 time.

5 MS. JOHNSTON: Commissioner Akutagawa.

6 COMMISSIONER AKUTAGAWA: Actually, I think  
7 Commissioner Vazquez was going to ask.

8 MS. JOHNSTON: Oh, I'm sorry.

9 COMMISSIONER VAZQUEZ: All right. Yes, thank you.  
10 I am still a little confused about -- I think this is  
11 similar to Commissioner Kennedy's question about -- so  
12 again, if there are reports or videos that are open to  
13 the public, but maybe not widely disseminated, about what  
14 Commissioner Sadhwani is talking about, right. But in  
15 order to educate myself more about the various issues and  
16 perspectives, if I choose to view those videos or read  
17 those reports, do I then have to pass that information  
18 along to staff to be posted for discussion or otherwise?  
19 Or is it sufficient that I just -- like, I guess I'm sort  
20 of like, do I have to share everything that I receive in  
21 order for it to be proper?

22 MS. JOHNSTON: If it's information that you intend  
23 to rely upon in the redistricting process, then yes. Let  
24 me read you the statute itself. "The attendance of a  
25 majority of the members of a state body at a conference

1 or similar gathering open to the public that involves a  
2 discussion of issues of general interest to the public or  
3 to public agencies of the type represented by the state  
4 body. It is not a prohibition if the majority of the  
5 members do not discuss among themselves, other than as  
6 part of a scheduled program, business of a specified  
7 nature that is within the subject matter jurisdiction of  
8 the body."

9 So if it's a public meeting, you may certainly  
10 attend it, and you may not discuss it, with anyone else  
11 on the Commission outside of a public meeting. Yes?

12 COMMISSIONER VAZQUEZ: Sorry, a follow-up question.  
13 So then if I don't -- if I don't share it, keep that  
14 information to myself, but then use it to inform my  
15 decision making around mapping, that's then a violation,  
16 correct?

17 MS. JOHNSTON: Yes. If it's something you're going  
18 to be using in the redistricting process, it should be  
19 given to all the commissioners.

20 COMMISSIONER VAZQUEZ: Okay. Thank you.

21 MS. JOHNSTON: I don't know who is next.

22 Commissioner Ahmad?

23 COMMISSIONER AHMAD: Just to segue on that question.  
24 Maybe I'm just thinking about this way too hard. By that  
25 logic, wouldn't theoretically, everything that I've

1 learned from age 0 to now be something that I'm using to  
2 inform my decision-making for the mapping process? And  
3 that doesn't seem like it -- that just doesn't seem like  
4 it's right. But I'm not a legal expert in it by any  
5 means. So from what I understand, Bagley-Keene -- and  
6 please correct me -- is if we are discussing anything  
7 that is directly related to the actual mapping and our  
8 charge, but if we are sharing information that's just  
9 factually based, that this is what redistricting is.  
10 This is what the mapping process looks like, that's okay,  
11 right?

12 MS. JOHNSTON: Well, remember, it applies to  
13 information you receive while you're a commissioner. So  
14 it certainly wouldn't apply to all the information you've  
15 gained in your however many years of experience --

16 COMMISSIONER AHMAD: Okay.

17 MS. JOHNSTON: -- in this area. So it's information  
18 you receive while you're a commissioner that you may use  
19 as a commissioner. Does that help?

20 COMMISSIONER AHMAD: Yeah. Maybe I can ask it in a  
21 different way because I don't think I'm asking my  
22 questions clearly. I'll just use a real-life example.  
23 There are elected officials who post things on social  
24 media, and my thing is going to be the social media  
25 aspect of this and learning about Bagley-Keene, which is,

1 I know, California specific, but other similar type  
2 regulations across the country. I just look at it and  
3 I'm like, how are they posting a video or a news article  
4 without violation of whatever regulation that falls over  
5 their jurisdiction? So maybe you can help me understand  
6 how certain things seemingly are allowed and others are  
7 not. I don't know if that makes sense.

8 MS. JOHNSTON: Well, if it's a meeting that's open  
9 to the public, then it's assumed that anything that goes  
10 on there is a matter of public record. If it is a  
11 government entity, then there are certain rules that  
12 govern that public entity, either on a local or a state  
13 level.

14 I think if there's any question, the better  
15 practice, both to comply with the law and for the sake of  
16 the Commission is to bring it back to the full Commission  
17 and allow them access to it. And certainly, if you're  
18 going to be discussing it, it needs to be something  
19 that's brought to the whole Commission. It will involve  
20 a whole lot of material. It is difficult.

21 INTERIM ADMINISTRATOR VILLANUEVA: Marian?

22 MS. JOHNSTON: Yes.

23 INTERIM ADMINISTRATOR VILLANUEVA: I mean, I make  
24 it -- Commissioner Ahmad?

25 COMMISSIONER AHMAD: Yes.





1 INTERIM ADMINISTRATOR VILLANUEVA: So when you're  
2 looking at the tweets of the public information campaigns  
3 that an elected official may do. You, as a Commission  
4 will be engaging the same thing. And that's one of the  
5 purposes of your Communications Director. Is that public  
6 outreach; is that public communication; is that public  
7 education process? That is in addition to, and quite  
8 often apart from, the strict Commission business. If  
9 that makes sense.

10 COMMISSIONER AHMAD: Okay. Yes, that makes so much  
11 more sense and makes it very clear.

12 INTERIM ADMINISTRATOR VILLANUEVA: Right.

13 COMMISSIONER AHMAD: If it's strictly Commission  
14 business, open meeting.

15 INTERIM ADMINISTRATOR VILLANUEVA: Correct.

16 COMMISSIONER AHMAD: If it's general information --

17 INTERIM ADMINISTRATOR VILLANUEVA: Well, if it's --

18 COMMISSIONER AHMAD: -- it can be repeated?

19 INTERIM ADMINISTRATOR VILLANUEVA: So if it's strict  
20 Commission business, it has to be in an open meeting --

21 COMMISSIONER AHMAD: Right.

22 INTERIM ADMINISTRATOR VILLANUEVA: -- and it has to  
23 be available to the public. You as the commissioners can  
24 direct your public communications officer, then, we want  
25 you to develop this public education program. They would

1 then go ahead, develop it, you would approve it, and then  
2 they would go ahead and disseminate it in as broad a  
3 manner as possible for the greatest access across  
4 communities on your behalf.

5 But the Commission business would be the part of  
6 putting it together, authorizing it, saying, yes,  
7 approving it, and that has to be an open session, and  
8 that falls under Bagley-Keene. I'm hoping that, as I'm  
9 understanding your question, that maybe that distinction  
10 might be helpful for you.

11 COMMISSIONER AHMAD: Yeah. I think it'll become  
12 more clear as the discussion continues. I just want to  
13 know if I can tweet things or not.

14 MS. JOHNSTON: What are you going to tweet about?

15 INTERIM ADMINISTRATOR VILLANUEVA: You would  
16 probably want to do that in cooperation with your public  
17 communications officer.

18 COMMISSIONER AHMAD: Right. Right. And I think I'd  
19 refrain from similar to the other Commissioners, engaging  
20 in conversations, engaging in interaction, even online  
21 platforms for this reason until I get a better of what  
22 the regulation sets forth.

23 MS. JOHNSTON: Remember that anything you put out to  
24 the public can come back and haunt you.

25 INTERIM ADMINISTRATOR VILLANUEVA: Yes.

1 MS. JOHNSTON: So --

2 COMMISSIONER AHMAD: Yes.

3 MS. JOHNSTON: -- be very careful.

4 INTERIM ADMINISTRATOR VILLANUEVA: There's  
5 Government Code restrictions --

6 MS. JOHNSTON: Yeah.

7 INTERIM ADMINISTRATOR VILLANUEVA: -- that apart  
8 from Bagley-Keene on communication. Anyway.

9 CHAIR TURNER: You have almost all the commissioners  
10 waiting to speak. So there's Akutagawa, Sadhwani,  
11 Kennedy, Le Mons, I know that I've seen, and Commissioner  
12 Yee.

13 COMMISSIONER ANDERSEN: And Commissioner Andersen.

14 CHAIR TURNER: And Andersen.

15 MS. JOHNSTON: Who was first?

16 CHAIR TURNER: I think with this -- and Vazquez, I  
17 saw you too. So I think Sadhwani's been waiting the  
18 longest. Oh, Akutagawa, I'm sorry, Sadhwani. Akutagawa,  
19 because you had your hand up earlier. So Akutagawa,  
20 Sadhwani, and then we'll go from there.

21 COMMISSIONER AKUTAGAWA: Okay. Hopefully these will  
22 work better. And so you can hear me more clearly than  
23 you could yesterday. Okay. It looks like it's going  
24 well. All right. I guess my -- I had an initial  
25 question. Now, I have a second question.

1           So just first, my initial question. I think, around  
2 the kind of meetings that we can attend; what information  
3 we're going to get. I am certain that all of us are  
4 engaged in community activities, organizations, things  
5 like that, where we will be invited to -- so for example,  
6 I'm on a board. So that is not always going to be a  
7 public meeting. And if a discussion around redistricting  
8 should come up, do I excuse myself? Is that, perhaps,  
9 the safer way to do it, so that if whatever information I  
10 hear, some of it -- because it's not necessarily a public  
11 meeting, do I get the minutes of it, and then share that  
12 with the rest of the Commission?

13           I think I just want to be careful about making sure  
14 that I'm understanding how that will work out. I  
15 understand the public part, that it's going to be  
16 publicly available, and if there's something that's  
17 relevant to the Commission, it's either sharing it with  
18 the staff -- or that's what I'm hearing anyway. So  
19 that's question one.

20           Question two may seem innocuous, but in terms of the  
21 social media use, I understand being careful about  
22 tweeting, posting, sharing anything around what we would  
23 be talking about as the Commission, in terms of  
24 redistricting, the drawing of the map, et cetera. What  
25 if we chose to just say, hey, had our first meeting,

1 really looking forward to the process of doing this  
2 important work with my fellow Californians. I mean, it  
3 seems dismissive, but I'm like, now I'm just getting  
4 really paranoid here, so.

5 MS. JOHNSTON: That type of information would be  
6 fine. Just say, we had our first meeting. It was really  
7 exciting. We're looking forward to the process here with  
8 my other Commissioners. Let me read you, again, the  
9 statute. "A majority of the members of a state board  
10 shall not, outside of a meeting authorized by this  
11 chapter." I'm sorry, that's the wrong one.

12 "Commissioners and members of a staff may not communicate  
13 with or receive communications about redistricting  
14 matters from anyone outside of a public hearing."

15 So your question about a board meeting that's not  
16 private -- that's not public, but is held in private.  
17 One solution would be to make that a public meeting.  
18 Another solution would be to get a recording of it and  
19 post it and have it distributed to the Commissioners.

20 Minutes, if they're very detailed and convey  
21 whatever the information is, any handouts that you  
22 receive at a meeting that pertain to the redistricting  
23 business, it is limited to redistricting matters, and I  
24 would interpret that as something that might guide you in  
25 how you draw your lines.

1           If it's talking about how many congressional seats  
2 the Commission is going to have to redistrict after the  
3 census, I don't think that is a redistricting matter  
4 because it affects the number of lines you draw, but it  
5 doesn't affect the substance of those lines. So anything  
6 that affects your line drawing, I think would be the way  
7 to sensibly understand that.

8           COMMISSIONER AKUTAGAWA: And just a follow up. Does  
9 that also apply to, for example, if a specific  
10 organization asks to meet with any one of the  
11 commissioners, just to establish a relationship, is that  
12 allowable --

13           MS. JOHNSTON: Establishing a relationship --

14           COMMISSIONER AKUTAGAWA: -- if they work on  
15 redistricting matters?

16           MS. JOHNSTON: Establishing a relationship would be  
17 fine. If they want to contribute to the redistricting  
18 process, they should do that by coming to the Commission.

19           COMMISSIONER AKUTAGAWA: But not individually  
20 meeting us as commissioners, then?

21           MS. JOHNSTON: Correct.

22           COMMISSIONER AKUTAGAWA: Okay. Okay. Thank you.

23           CHAIR TURNER: Commissioner Sadhwani, then  
24 Commissioner Andersen.

25           COMMISSIONER SADHWANI: So the social media

1 component is something I'm concerned about also. As a  
2 part of my noncommissioned profession, it is the best  
3 practice, actually, at this stage in this era of  
4 information sharing, for professors who engage in  
5 research who will be active on Twitter and other social  
6 media platforms.

7         So I do raise that because it is a concern for me  
8 that -- and I've had these same questions as Commissioner  
9 Ahmad and others have raised, about can we even say that  
10 we had a Commission meeting? At this point, I've really  
11 tried to just not even acknowledge that I am a  
12 commissioner on my on my social media profiles. I don't  
13 know if that serves us, or it doesn't.

14         One of my thoughts is that as a Commission -- as we  
15 continue to move forward, as we hire staff and in  
16 particular, a Communications Director, and at the risk of  
17 becoming like the queen of committees, that we might want  
18 to just establish some guidelines for ourselves that  
19 would be our impression of being adherent to the law --  
20 which I don't think any of us are trying to circumvent or  
21 break -- but that can provide some more day in and day  
22 out best practices for us.

23         I mean, when these laws were written back in 2008,  
24 2012, it was a slightly different world. I think the  
25 social media world has taken off in a different way and

1 people do communicate differently, particularly during  
2 COVID. So I think having some more concrete guidelines  
3 of how we can -- can we tweet about the fact that there's  
4 a meeting coming up? That would really be helpful for me  
5 because right now, I don't know.

6 I had raised a question with the previous counsel  
7 during the earlier meetings that people were tweeting at  
8 me during those meetings. I didn't respond to any of  
9 them. But I recognize that that could be problematic.  
10 And I think my interest is to be aboveboard on all of  
11 this, and if someone attends a meeting, perhaps we have  
12 some guidance that our best practices -- in the beginning  
13 of a meeting maybe, we'll go around, and people can share  
14 what they've seen and make sure that any documentation of  
15 it is posted online. Something like that. So I think --

16 MS. JOHNSTON: That would be helpful.

17 COMMISSIONER SADHWANI: -- as we move forward,  
18 perhaps developing some of those best practices and  
19 committing to them all -- having everyone commit to them  
20 might be something we would want to consider.

21 MS. JOHNSTON: As to your question about tweets or  
22 other emails or whatever you received. I think the fact  
23 you received them in your email box or however you  
24 receive a Twitter doesn't mean that you actually have  
25 them. If you read them and consider them and think that



1 there's something that does affect redistricting, then I  
2 would certainly share it with the Commission. But you  
3 may ignore them also. And if you ignore them, then it's  
4 not something that you received. But it is a tricky  
5 issue, particularly in light of COVID.

6 But the way -- particularly the Public Records  
7 Act -- it's any electronic communication of any kind,  
8 which who knows what that's going to lead to next as far  
9 as technology.

10 CHAIR TURNER: I have Commissioner Andersen,  
11 Vazquez, Le Mons, Yee, and Kennedy.

12 COMMISSIONER ANDERSEN: Thank you, Madam Chair.  
13 Guys, this is something we have to be hard and solid  
14 about. This is where we could get into serious trouble.  
15 And I don't mean to be like doomsday, but think about  
16 how, oh, this is going on. A quick little innocent  
17 comment can get twisted and destroy our credibility. It  
18 can happen instantly. We have to be so, so careful about  
19 this. And I know that you're kind of like, well, I was  
20 just doing, and oops, the whole house of cards can all  
21 come crashing down.

22 We have to be hyper-aware of -- I don't mean to be  
23 like a doomsday, but we really have to be hyper-aware of  
24 who is trying to sabotage us because there are --  
25 basically, we are -- when we just -- counsel just told us

1 how much power we actually have in drawing these lines.

2 And there are people who do not want us to succeed or  
3 really want to turn us in one direction or another.

4       So we have to be extremely careful about being on a  
5 board and there's talk about redistricting. Your first  
6 instinct should be, withdraw. And your first instinct on  
7 virtually everything should be to submit it to counsel  
8 and to our staff, and then get the reading on that. We  
9 need to come up with a policy that then we can maybe step  
10 back from, but not, well, that's okay, that's okay,  
11 that's okay, we discussed, no. And then add it in. It's  
12 almost like, if you're a young child, you have to say,  
13 no, no, you don't do any of that. And then you slowly  
14 add what they can do. Because it's just too slippery  
15 slope.

16       So I would really, really like us to put together a  
17 policy of, as soon as something comes in that you're not  
18 sure about, instantly send it to staff. That being  
19 counsel, communications, and only then do they go, oh,  
20 yes, that's okay. You can do that, or yes, that should  
21 be sent to everyone.

22       Well, I know Commissioner Sadhwani is saying I'm  
23 basically pretending I'm kind of not on the Commission.  
24 I certainly have to do that with certain -- and I just  
25 have to say, enough. Sorry. Send it to public comment.

1 I'm not going to hear any of it. And it's harder when  
2 you have a large profile on social media. I understand  
3 that.

4 So we really need to put some policies together on  
5 this, and I think pronto, before we innocently get  
6 ourselves in trouble, which we have no intention of  
7 doing, but all of a sudden could happen. So I just  
8 wanted to really put that high priority.

9 CHAIR TURNER: Thank you. Commissioner Vazquez.

10 COMMISSIONER VAZQUEZ: Yes. Thank you. I am trying  
11 to get some clarity on the piece of the language sets  
12 outside of a public meeting, and I think I'm potentially  
13 rephrasing my previous question. So again, there -- and  
14 Commissioner Sadhwani mentioned this, too -- there are  
15 reports about redistricting, about mapping, about the --  
16 so maybe something a little more gray is helpful. So  
17 like the census. And there are reports about census  
18 counting, et cetera, stuff that exists, stuff that will  
19 exist.

20 It is available to the public. There are probably  
21 outreach campaigns where it only is viewed by folks who  
22 are in the know that it exists. One, can I seek those  
23 out? Two, if I seek them out, do I have to then forward  
24 that to everybody? It is publicly available. And then  
25 to what extent -- I guess those are my two big questions.

1 Can I pick those out? Do I have to then forward that to  
2 everybody, whether or not they read it? But because now  
3 I sought out information, received it, digested it, does  
4 that then have to go to everybody?

5 MS. JOHNSTON: If it is something that will affect  
6 your redistricting process, then it should go to  
7 everybody and be posted. The census may or may not fall  
8 into that category. If you just -- if it's some article  
9 about how awful it is that the Census Bureau delayed its  
10 time and then sped up its time, that probably doesn't  
11 affect the redistricting process because you'll get  
12 whatever data it is. If it's a discussion about whether  
13 the data is sufficient to allow you to carry out your  
14 redistricting process, then it probably is something that  
15 needs to be made public. It's really hard to answer in  
16 the abstract, except I keep coming back to the  
17 redistricting process, the line drawing process. And as  
18 Commissioner Andersen was saying, to air on the side of  
19 making everything public if you have any question about  
20 it.

21 CHAIR TURNER: Commissioner Le Mons?

22 COMMISSIONER LE MONS: Good morning, everyone. I  
23 wanted to -- I'm in the same position as Commissioner  
24 Andersen on this. I think we're still in the  
25 infrastructure building stage, and I think we're kind of

1 getting a little ahead of ourselves on a few things. So  
2 as far as -- that's why we're hiring staff. We have  
3 counsel. So I think we can -- we got to get to the point  
4 where we even are talking about the RFP to hire staff.  
5 So once we have a Communications Director who understands  
6 what we can and cannot do, understands all the different  
7 channels and media in which we can use those channels,  
8 the ones that can get us in trouble, et cetera, we'll  
9 then be able to lean on that support to makes these  
10 decisions. I don't think in this conversation we're  
11 going to be able to parse out all the potential  
12 challenges, dangers, things we don't even realize might  
13 be a situation. But we'll have a team of people to help  
14 us with that as it comes up.

15 I remember, right after the appointments first came  
16 out, I was approached by the media immediately. And my  
17 first inclination was to contact counsel and dodge -- she  
18 commented about how grateful she was that I did that.  
19 And she gave me some very specific instructions: don't  
20 talk to anybody. And I said okay. End of story. And  
21 then when we get to the point where we can talk and do  
22 whatever it is that we're supposed to do, we'll do it.  
23 And I do think we have a lot of power. And to  
24 Commissioner Andersen's point, there were people who  
25 tried -- and groups who tried to sabotage the 2010

1 commission, and there will be groups that try to sab --  
2 and they're talented, and experienced, and it won't just  
3 be coming to public comment and attacking us verbally.  
4 It will be setting traps; it will be putting things in  
5 place where, oops -- it's like a thread being pulled out  
6 of the whole situation.

7       So I just wanted to say, I support what Commissioner  
8 Andersen is saying. I think we have time for this  
9 particular thing, and it should be a high priority, as we  
10 have the proper people in place to help us put together  
11 P&Ps that make sense, and we continue to keep the  
12 transparency and all the positive things that we want  
13 this commission to be.

14       MS. JOHNSTON: I would simply disagree with the  
15 advice about don't talk to anybody.

16       CHAIR TURNER: Well, that -- yeah. I'm not telling  
17 you what to do at all. What I'm saying is --

18       MS. JOHNSTON: But even members of the press. If  
19 they wanted to know what your qualifications are, what  
20 your interest is, what your background is, those types of  
21 questions --

22       CHAIR TURNER: I said read the website -- read the  
23 website. It's all on there.

24       MS. JOHNSTON: Okay.

25       CHAIR TURNER: There's a whole interview process.

1 They had a whole process to get here. Read the website.

2 COMMISSIONER SINAY: Can we hear from Counsel  
3 about -- on that? Can you please continue?

4 MS. JOHNSTON: I'm sorry?

5 COMMISSIONER SINAY: Can you continue on what you  
6 were trying to say about what parameters you would  
7 advise?

8 MS. JOHNSTON: As long as it's not linked to the  
9 redistricting process. That's what you have to keep  
10 going back to. And I'm sorry that it's not a very clean  
11 line. I think it will become cleaner to you as you get  
12 into the redistricting process. But things that are not  
13 intrinsically related to that, such as when your meetings  
14 are going to be held; if someone wants to know when the  
15 next meeting is, it's certainly fine to give them that  
16 information; if someone wants to know what your  
17 background is; if someone wants to know how often are the  
18 commissioners meeting; what's on the agenda. Anything  
19 like that, it's not a problem, because that does not  
20 intrinsically affect the redistricting process. But if  
21 anyone comes to you and say, well I'm in this community  
22 that really is tight, and they really want to stay to  
23 together, they want to have one representative, that  
24 clearly crosses the line. And there're going to be a lot  
25 of gray areas.



1 CHAIR TURNER: Thank you. Thank you, Counsel.  
2 Thank you Commissioner Le Mons and all of the  
3 commissioners. Just a couple more in queue before we  
4 take new, and that's Commissioner Yee and then  
5 Commissioner Kennedy.

6 COMMISSIONER YEE: Thank you, Madam Chair. So I  
7 have three situations I'm wondering about. Let's go from  
8 easiest to hardest, I think.

9 The first, not using our personal emails for  
10 commissioner business, obviously. But as we're using  
11 Gmail, that exists entirely on the cloud. And so are we  
12 required to use our state issued laptops only to access  
13 Gmail, or is Gmail accessible to us from any device,  
14 since it's not tied to a device, and there's no local  
15 storage of information?

16 MS. JOHNSTON: I wish I knew more about Gmail and  
17 about email. I assume you can't get access to it unless  
18 it's someone you've invited to see it or has your  
19 password.

20 COMMISSIONER YEE: Well, you access it with your  
21 password, but you can do that for any device anywhere in  
22 the world.

23 MS. JOHNSTON: So --

24 MR. VILLANUEVA: Mary, what he's talking about is,  
25 is you can get Gmail and access it through your laptop.



1 You can also access it through your phone, through your  
2 tablet --

3 MS. JOHNSTON: Even your personal accounts. I guess  
4 as long as it's Gmail, because that's recorded on the  
5 commission's records, right? We see our CS controller  
6 with the commission Gmail?

7 MR. VILLANUEVA: Yes. But I think what --  
8 Commissioner, are you asking about a situation where if  
9 you were using your personal phone to access commission  
10 email, would your personal phone, at that time, be  
11 discoverable also; is that what you're asking?

12 COMMISSIONER YEE: Yeah, yeah.

13 MR. VILLANUEVA: And I --

14 MS. JOHNSTON: If you're using Gmail, then it's  
15 already -- you wouldn't have --

16 MR. VILLANUEVA: No. If he's using it -- his  
17 personal phone to access --

18 MS. JOHNSTON: CRC Gmail.

19 MR. VILLANUEVA: Then his personal phone now becomes  
20 discoverable also.

21 MS. JOHNSTON: Not if it's also on your -- in the  
22 commission's record keeping.

23 MR. VILLANUEVA: Because I think that was his  
24 question.

25 MS. JOHNSTON: One possibility that has been used by



1 other agencies, is if you use your personal email to  
2 always cc yourself at your commission address, and then  
3 there is a public record of everything. And that's  
4 doable, it's just very difficult to monitor; to know  
5 whether or not you've always cc'd your official business  
6 email address. But I think if you use the CRC email  
7 address, then it will always be part of the CRC records.

8 COMMISSIONER YEE: Right. So as long as I don't  
9 save any files or so forth -- create any files on a  
10 nonstate device, I can --

11 MS. JOHNSTON: Or to a nonstate website.

12 COMMISSIONER YEE: Nonstate website, right. Okay.  
13 Okay. I think that's clear.

14 Second situation, communication among ourselves  
15 outside of a public meeting. So for instance, a concrete  
16 example, Commissioner Toledo and I are working on a  
17 nominations committee. We wanted to remind everyone to  
18 let Raul or you know that if they did not want to ever  
19 serve as Chair -- so we could not have you in the  
20 rotation, perhaps do that before Monday. So a reminder  
21 like that, can I just send that out, or is that, you  
22 know, the start of --

23 MS. JOHNSTON: It would be better to have Raul send  
24 it out to make clear that it is an official  
25 communication. If you wanted to send it out and cc Raul,

1 that would be acceptable also. And it's not something  
2 that would be a public record, because it's personal.  
3 And there is a limit on what information is public and  
4 what information is personal. For instance, your travel  
5 arrangements. If you wanted to talk to somebody about  
6 sharing a car to drive here, that would not be public  
7 business; although, tangentially, it is related to your  
8 attending the commission meeting. There's a California  
9 Supreme Court case where -- I think it was the Chief  
10 Justice -- asked why the hotel records of a public  
11 official should not be a matter of public record, and the  
12 attorney answered, well would you want your hotel  
13 reservations to be a matter of public record? And the  
14 court agreed that when you come to that, you don't  
15 some -- because that's personal. That's not something  
16 that's -- how much you spent on the hotel room would be  
17 public, but not where you are and how you travel and that  
18 kind of information.

19 COMMISSIONER YEE: All right. A follow-up email  
20 that has to do with an item of business that we discuss;  
21 that is --

22 MS. JOHNSTON: That is --

23 COMMISSIONER YEE: I mean, I don't know.

24 MS. JOHNSTON: That's why we limit committees to two  
25 people. As long as it's two, and it's purely advisory,

1 then it's not subject to Bagley-Keene. There's a strict  
2 exception for that. So there's nothing wrong with you  
3 and another committee member working together to come up  
4 with whatever. It doesn't --

5 COMMISSIONER YEE: Right. But again, let's say  
6 Commissioner Toledo and I sent -- are we free to send an  
7 email out to the whole commission reminding them of  
8 something that was already discussed?

9 MS. JOHNSTON: Depends on what the something is. If  
10 you wanted to send out something -- sending out what you  
11 want people to vote on at the next meeting as far as the  
12 rotation, then that should be something that is posted,  
13 because it's going to be discussed at the next meeting.

14 COMMISSIONER YEE: Um-hum.

15 MS. JOHNSTON: But if you're just soliciting from  
16 people information about who individually does not want  
17 to be included on the rotation list, then that's not a  
18 public record.

19 COMMISSIONER YEE: Okay.

20 MS. JOHNSTON: And again, there's no finer line I  
21 can -- it's very situation driven.

22 COMMISSIONER YEE: Right. Right. Here we are all  
23 trying to put a very fine line on things.

24 MS. JOHNSTON: Yeah. I know.

25 MR. VILLANUEVA: If I may, if you look at it from a

1 transparency side, is it a violation to send that email  
2 to everybody on an administrative manner by law? That's  
3 one question. Transparency asks you to look at it in  
4 other ways also. Is there a practice amongst the  
5 commissioners of sending emails to each other, even if  
6 it's an administrative matter that nobody knows about?  
7 And so --

8 MS. JOHNSTON: But you might be --

9 MR. VILLANUEVA: -- there may not be a law, but  
10 that's one of the reasons, if I may Mary -- if I may  
11 finish my thought -- is one of the reasons that Marian is  
12 asking you to send those types of things through staff.  
13 It's because it's then -- it's a communication through  
14 staff --

15 COMMISSIONER YEE: Sure.

16 MR. VILLANUEVA: -- on an administrative matter, and  
17 it's not the commissioner's talking --

18 COMMISSIONER YEE: Sure. Sure.

19 MR. VILLANUEVA: Right? And I think that's one of  
20 the things --

21 MS. JOHNSTON: Right.

22 MR. VILLANUEVA: -- about transparency. It's about  
23 an ethos as well as the law.

24 MS. JOHNSTON: And if you send out a list to  
25 everybody what your proposed slate is going to be -- a

1 rotation list is going to be, and it's not made public,  
2 there would be the implication you're trying to gather  
3 votes --

4 COMMISSIONER YEE: Sure.

5 MS. JOHNSTON: -- ahead of time --

6 COMMISSIONER YEE: Sure.

7 MS. JOHNSTON: -- for who approves of that  
8 particular arrangement.

9 COMMISSIONER YEE: Right.

10 MS. JOHNSTON: And that's not what you're trying to  
11 do. You're simply trying to make people aware of this is  
12 going to be the proposal. But if someone wrote back to  
13 you and said I think it's a good idea, except I think the  
14 she should go here and that he should go here; that could  
15 be seen as actions outside of the public meeting.

16 COMMISSIONER YEE: Sure. It makes sense.

17 Okay. My third situation, giving and receiving  
18 information. So a colleague of mine, it turns out,  
19 teaches a class on gerrymandering, and she found out  
20 about my commissioner status and said, oh, why don't you  
21 come and tell my class about your work. And so this --  
22 this would not happen until next January. So the  
23 question I guess is, giving information versus receiving  
24 information, and --

25 MS. JOHNSTON: If the information is giving is a

1 matter of public record already. For instance, how you  
2 were selected, what criteria the law requires you to  
3 follow, what the statutory time limits are. That would  
4 be fine. If you have adopted a draft map, and you're  
5 talking to people, here is a draft map that the  
6 commission has agreed upon, that would be fine. It would  
7 not be fine to say, next week we're going to be  
8 discussing this, this, and this, and this is what I think  
9 should happen.

10 COMMISSIONER YEE: Sure. But in a classroom  
11 situation, of course, there's give-and-take. So let's  
12 say, there's questions and answers, somebody offers some  
13 background information on the Voting Rights Act; that is  
14 information coming to me at that point. At that point,  
15 have I crossed the line?

16 MS. JOHNSTON: Not if you bring it back to the  
17 commission, or tell them to bring it to the commission.

18 COMMISSIONER YEE: Right. Yeah.

19 MS. JOHNSTON: Maybe you should invite your friend  
20 who's a teacher to talk to us about gerrymandering.

21 COMMISSIONER YEE: She would be excellent, actually.  
22 Yes.

23 Okay. Thank you.

24 CHAIR TURNER: Thank you, Commissioner Yee.

25 Commissioner Kennedy, Sinay, and then back to Le

1 Mons and Andersen.

2 COMMISSIONER KENNEDY: Thank you, Madam Chair. I've  
3 had a concern for a number of weeks now. I mean, we're  
4 only a few months into this from the date of the random  
5 draw, and as Commissioner Sadhwani mentioned, there have  
6 been lots of articles out there about the commission.

7 Now, I've been working for 30 years on the elections  
8 around the world, often helping establish new entities,  
9 election commissions, and so forth, and I've seen how --  
10 I've seen firsthand how damaging the absence or loss of a  
11 positive reputation can be. One of the most precious  
12 assets that we have is our reputation. Our eventual  
13 success depends on our maintaining a positive reputation.  
14 I was monitoring the press, and I could see that even  
15 before the commission was fully formed, the reputation  
16 was already being undermined. I've got a colleague -- a  
17 long-time colleague who's doing a doctoral dissertation  
18 on the impact of reputation of the election management  
19 bodies. And I mean, we really are one of the number of  
20 election management bodies in the State of California on  
21 the eventual acceptance of election outcomes and the  
22 general health of democratic government. One of the  
23 things that she found in her research is that public  
24 pronouncements of key influencers are given weight and  
25 validity by the public at large, and "will be conclusive



1 to how history, or the general public, judges the course  
2 of events".

3       So part of what I am concerned about is, we have  
4 counsel to, in many ways, tell us what we can't do, and  
5 that's very valuable, and we appreciate it. We have  
6 administrative support. I don't understand why the  
7 commission has not had a communications support from the  
8 state auditor's office from day one. Commissioner Le  
9 Mons, yes, we can wait until we have staff on board, but  
10 I really don't understand why we have not been provided  
11 with the same level of communications support as we've  
12 received as far as legal support and administrative  
13 support. As I mentioned yesterday, I think we need to be  
14 out front, introducing ourselves, working to build that  
15 reputation, rather than sitting here with our hands tied  
16 behind our back, letting anyone and everyone take pot-  
17 shots at us and not responding.

18       CHAIR TURNER: Wow, thank you. Commissioner Sinay?

19       COMMISSIONER SINAY: Madam Chair. That was really  
20 well put, Commissioner Kennedy. I hear what you're  
21 saying.

22       I've got a couple of things. The national -- NCSL,  
23 which is the National --

24       MR. VILLANUEVA: Counsel --

25       MS. JOHNSTON: Conference of State Legislatures.

1 MR. VILLANUEVA: Yeah.

2 COMMISSIONER SINAY: Thank you. They've got a  
3 really comprehensive redistricting training, and they're  
4 providing it for Legislatures and others, and it's online  
5 now. Would something like that -- I mean, I would almost  
6 want to say, can we all -- can we all be paid to do it,  
7 because when I was looking at the agenda, it's just  
8 amazing, and it would be a lot of good information for  
9 all of us.

10 MS. JOHNSTON: I agree with you.

11 COMMISSIONER SINAY: Okay.

12 MS. JOHNSTON: I've already ordered their book.  
13 They have a handbook on 2020 redistricting, and I was  
14 going -- I ordered a copy, and if it's good enough, I was  
15 going to recommend that we get it for all the  
16 commissioners. I don't know what the cost is to attend  
17 this seminar.

18 COMMISSIONER SINAY: It's not that much. I was  
19 surprised how little it was, and we don't have to travel,  
20 and it's online. But anyways, so that was something I  
21 wanted to bring up -- was if we see something like that,  
22 and we're like hey, this would really help us. I mean, I  
23 feel like -- anyway, I looked up their agenda and stuff  
24 and I was like wow, this is really what we -- so we could  
25 all at least have the same base, because I know each of

1 us is bringing something, but it would be great to have a  
2 really in-depth training. So we share that -- this is a  
3 public meeting now, but just to -- there is going to be  
4 other opportunities like that out there, so we would  
5 share that just directly with staff, and then staff can  
6 choose.

7 MS. JOHNSTON: Well, it's better -- I think you do  
8 have to have a decision by the commission about how you  
9 would like to authorize individual commissioners to spend  
10 commission money. But I think you could come up with a  
11 policy that would certainly allow, within reason,  
12 attendance at events like that.

13 COMMISSIONER SINAY: Yeah. But I mean -- and now  
14 with it virtually, these are already taped, so it's not  
15 like you can even ask questions or -- yeah, so it's  
16 different than when you go to a conference and -- ton of  
17 people -- the networking piece -- has kind of lost that  
18 bit.

19 As we think through -- now this goes back -- way  
20 back when Commission Sadhwani was speaking about social  
21 media. Social media is very different than it was  
22 before, and those of us who are kind of professionals in  
23 the civic world -- well, we all are now, because we're  
24 all commissioners -- but who've been involved for a long  
25 time, it is one of the tools that's kind of been used to

1 promote civic engagement and democracy. And so as much  
2 as I'm hearing the fear, I want us to try to balance kind  
3 of what we've heard from Commissioner Andersen also with  
4 what we've heard from Commissioner Kennedy, and remember  
5 that we keep going back to this commitment of, we want  
6 the public engagement. And so one of the questions I  
7 had -- because public comment is really difficult. I sat  
8 through every single session to try to figure out if you  
9 all were going to choose me or not choose me, and I'm an  
10 independent contractor, and anytime that I'm here, I'm  
11 not working with my clients or -- luckily, I'm not  
12 teaching anymore. I don't know how those of you who are  
13 professors are going to deal with all of it.

14 So one of the questions -- and this is -- is it  
15 possible for us to think through -- create a hashtag on  
16 Twitter that is -- that allows for public comments. And  
17 then if it was California CRC -- CACRC, the hashtag is  
18 that, then we read them -- when we see a public comment,  
19 we read every one of those hashtags, so it's part of the  
20 public comments. That allows people to send us things  
21 when they can, versus on our time. So that's just one  
22 question, is --

23 MS. JOHNSTON: And I think the commission had a  
24 Twitter account last time around --

25 MR. VILLANUEVA: Yeah.



1 MS. JOHNSTON: -- even though Twitter was not as  
2 well known.

3 COMMISSIONER SINAY: Well, I'm not asking for a  
4 Twitter account. I'm asking for --

5 MS. JOHNSTON: Well, that might be the easiest way  
6 to do that.

7 COMMISSIONER SINAY: Can we use a hashtag? Yeah.

8 MR. VILLANUEVA: Right.

9 COMMISSIONER SINAY: I mean, it is having a Twitter  
10 account, but allowing -- so let's say I'm not on the  
11 commission or -- okay, I'm -- we're all are looking at my  
12 applications, and something is said about me that's not  
13 accurate. And so I would put -- instead of calling in on  
14 a public comment because I've got to do it -- is hashtag  
15 CACRCCommissionerSinay. Just to clarify, I am a Latina;  
16 I was born in Mexico. Whatever you need it to be.

17 MS. JOHNSTON: Well, my understanding of Twitter is  
18 if use that hashtag and it's the commission's -- I don't  
19 know, address -- whatever you call it, wouldn't it be on  
20 the --

21 MR. VILLANUEVA: Account.

22 MS. JOHNSTON: -- commission's account? No?

23 COMMISSIONER SINAY: A hashtag wouldn't. If you at  
24 them, it would. If you put their address, it would, but  
25 not if you use the hashtag.

1 MS. JOHNSTON: What if the commission -- can you  
2 retrieve all the ones that have that certain hashtag?

3 COMMISSIONER SINAY: Yes. Yes.

4 MS. JOHNSTON: So if you came up with a hashtag that  
5 everybody used, that would then be posted on the  
6 commission's website -- here again, you need a  
7 Communications Director that knows about this stuff.

8 MR. VILLANUEVA: Exactly.

9 MS. JOHNSTON: But I think that there is a way.

10 MR. VILLANUEVA: Exactly. If I may? So one of the  
11 things for the group to keep in mind, please, is as you  
12 discuss these, these are check marks in terms of the  
13 types of areas of interest that you're going to be  
14 wanting to use in the interview for your Communications  
15 Director. These are also areas of interest that you're  
16 going to want to make sure that you bring to the table  
17 day one with them, in terms of helping to develop your  
18 whole public relations campaign. If I may, you folks are  
19 like -- you're the horses at the horse race; you've been  
20 at the gates, you're ready to roll. You just had your  
21 first day one commission meeting yesterday. That's how  
22 old you are as a commission. But you're ready to roll.  
23 And the fact of the matter is, one of the purposes of  
24 this meeting here is to help you get some of these  
25 pieces -- parts together. As Commissioner Le Mons -- I

1 thought you put it just so eloquently that there's so  
2 much that everybody wants to do, you need to get the  
3 pieces together -- your staff, to start moving these  
4 things forward. But please, keep track of your ideas.  
5 Keep track of those things that are concerns to you, that  
6 you're having passion about, because these are the things  
7 you'll use to select those folks. These are things  
8 you'll use to design the programs with them from day one.

9 MS. JOHNSTON: And I did do that last time.

10 MR. VILLANUEVA: Yes.

11 MS. JOHNSTON: I don't know if what the resources  
12 are, but the last time the commissions director -- every  
13 time there was a newspaper article -- I guess there's  
14 some way to get copies sent to you of everything on a  
15 certain topic.

16 MR. VILLANUEVA: We had the feeds --

17 COMMISSIONER SINAY: Yes.

18 MR. VILLANUEVA: -- come in every morning.

19 MS. JOHNSTON: And they would be posted --

20 MR. VILLANUEVA: Yeah.

21 MS. JOHNSTON: -- so that they were a matter of  
22 public record then. So I think if someone knows the way  
23 to accomplish that, it can be done.

24 COMMISSIONER SINAY: So what I'm hearing is, is  
25 let's wait to create something like that. And what I

1 would also hope, as the public is hearing our different  
2 conversations, because we've some conversations about  
3 dockets and about our agendas and stuff -- if there are  
4 tools that they know about that works and helps with  
5 participatory democracy, we would love to -- this a  
6 break. Please, share.

7 And I think my other -- yeah. You all answered my  
8 other ones. I'm sorry. I've been keeping a running list  
9 instead of raising my hand every five minutes. Thank  
10 you.

11 CHAIR TURNER: Thank you Commissioner Sinay.

12 Commissioner Le Mons and then Commissioner Andersen,  
13 and I think we'll be out pretty quickly.

14 COMMISSIONER VAZQUEZ: Madam Chair, I also have a  
15 question.

16 COMMISSIONER LE MONS: Actually, I think  
17 COMMISSIONER VAZQUEZ was before me.

18 CHAIR TURNER: Who was that?

19 COMMISSIONER LE MONS: I think she'd have to wave  
20 her hand, because I think it blends in and they miss it.  
21 There you go. She's before me.

22 CHAIR TURNER: Oh, it does.

23 COMMISSIONER VAZQUEZ: There we go.

24 MS. JOHNSTON: You're down in the corner. It's  
25 hard.





1 CHAIR TURNER: Thank you for seeing it.

2 COMMISSIONER VAZQUEZ: Thank you.

3 CHAIR TURNER: I think it's that blending in. I  
4 think you're right.

5 COMMISSIONER VAZQUEZ: I know. I'm all washed out  
6 with this background, and it's doing nothing for my  
7 complexion.

8 CHAIR TURNER: Thank you. Commissioner Vazquez.  
9 I'm sorry. Please.

10 COMMISSIONER VAZQUEZ: I don't have a question so  
11 much as a comment. I hear and agree with Commissioner  
12 Andersen then Commissioner Le Mons' caution and  
13 conservatism on this particular piece. I actually have  
14 met -- I used to be very active on social media, and as  
15 my work has gotten more explicitly political, I have very  
16 much reduced my public social media profile in response  
17 for many of these reasons. Sabotage does exist, and  
18 those campaigns are very coordinated.

19 With that being said, I do have a comment about some  
20 of these agenda items being labeled as training, when  
21 really they're points of information. And I just --  
22 especially in the near future, prior to getting fully  
23 staffed up, I would ask -- I'm not sure if this is an ask  
24 of counsel and staff, or if this is an ask of my fellow  
25 commissioners, but for me, a training is a dynamic

1 process where there's question and answers and clarity.  
2 And I think there is a sense of urgency around some of  
3 these pieces, because we're engaged in the work. Bagley-  
4 Keene is a huge set of guardrails for our work. And  
5 every day that goes by that we don't have a clear  
6 understanding of what we can and can't do, actually for  
7 me, opens up this window of things getting messy.

8       So I would like -- I do think it will probably take  
9 longer than any of us would like to get fully staffed up.  
10 And that being said, I think we do need some space for  
11 training and discussion so that we can do the work with,  
12 at least, a baseline level of knowledge about what we can  
13 and can't do, what we can and can't discuss. So yeah,  
14 those are my comments.

15       CHAIR TURNER: Thank you. Thank you. Commissioner  
16 Le Mons?

17       COMMISSIONER LE MONS: Yeah, so real quickly. I'll  
18 say I agree with Commissioner Kennedy, and I think there  
19 is a balance. Fear is not where I'm coming from at all,  
20 nor paranoia. I just am about us getting our logistics  
21 handled and getting things in place so that we can then  
22 move forward. I think we've spent a lot of time with  
23 this discussion, not that it wasn't important, especially  
24 because it is, but I'm looking forward just to getting  
25 to, I believe it's agenda item number 22 or 23, where

1 (A), we'll be setting the agenda. That'll include the  
2 trainings we want and all the different stuff that we  
3 want to do.

4 We're at the point in the process where we're  
5 establishing things so that we can move forward, and I'm  
6 just more, I guess, focused on that. It's like, let's  
7 get the business logistical pieces handled, so then we'll  
8 have the framework and support to do all this wonderful  
9 stuff that we want to do.

10 I just want to also point out, in our last, previous  
11 meetings, there was a misunderstanding of a statement I  
12 personally made, and I think other Commissioners may  
13 remember this, where public comment, you know, accused  
14 us, accused me, very specifically, of having off-line  
15 private meetings. And I made it a point to clarify that.  
16 And I only bring that up to say that scrutiny and what  
17 Commissioner Andersen is talking about is very real.

18 And so I think -- not don't say -- I said that kind  
19 of tongue-in-cheek -- don't say anything -- but the point  
20 is, we just have to be a little patient. We are only on  
21 day 2. Patience is not one of my virtues, by the way.  
22 So it's very, very challenging for me. But to be a  
23 little patient, and we're going to get to the place where  
24 all of the stuff that we want to do, we're going to have  
25 what we need to do it. So that's what I wanted to add.

1 CHAIR TURNER: Thank you. And Commissioner  
2 Andersen?

3 COMMISSIONER ANDERSEN: Thank you, Commissioner Le  
4 Mons, and everyone. I totally agree with what's being  
5 said. One thing I think we all were -- the analogy of  
6 being the horse at the gate is -- here we are and we want  
7 to go, we want to go -- but we actually haven't had the  
8 training, and we don't have our setup yet. And we're  
9 trying to rush -- okay, let's do it this way, this way,  
10 and this way -- but there's a lot of pieces of  
11 information.

12 What I know -- eight of us got a bit more training,  
13 and the six have really not. And there are -- a lot of  
14 that is presentations that are happening the next day.  
15 It's kind of like our meeting is divided into -- there's  
16 administrative things and there's training things. The  
17 problem is, some of this administrative, we are trying to  
18 figure out, but we don't know enough about it to make the  
19 right decisions right now. And that's where we're going  
20 to need large conversations about, well this and that and  
21 the other, and we're jumping ahead of ourselves a little  
22 bit.

23 And so I would like us to be patient, which I  
24 totally I agree with is not my strong suit, and slow down  
25 just a minute. Even possibly rearrange our agenda,

1 because we need certain things we need to get handled.  
2 We need to actually say, yes, we do want to have these  
3 people on board, let's review this. Or even table them  
4 and shift until we've trained something about it, and  
5 then come back to it to then vote on it.

6 MS. JOHNSTON: Your agenda can be adjusted by your  
7 chair. They can come up in any order. The only  
8 exception would be where we've scheduled outside speakers  
9 to come in. We would prefer not to reschedule them,  
10 since they've committed their time.

11 COMMISSIONER ANDERSEN: Oh. Right, right. I'm  
12 just -- it feels like if we start getting off on a bit  
13 like, yes, these are good ideas and we can address them  
14 in item number 22, we talk about the Director, or when we  
15 talk about the Communications Director, which is kind of  
16 where we're headed. Which I would really like us almost  
17 to go -- there's a point I'd like to bring up.

18 CHAIR TURNER: Commissioner Andersen, we'll start  
19 with you after break, but we're at an hour and a half  
20 now, and so we'll go to break, and when we come back  
21 we'll start with you. And then I'll have a comment, and  
22 then Commissioner Akutagawa before we go to public  
23 comment, unless there's something else.

24 MS. JOHNSTON: And I have a couple more comments to  
25 make too about Bagley-Keene.

1 CHAIR TURNER: Okay. So we'll need to take our  
2 fifteen-minute required break now. And we'll be back.  
3 We'll come back at 11:15.

4 (Whereupon, a recess was held from 11:00 a.m.  
5 until 11:15 a.m.)

6 CHAIR TURNER: Thank you and welcome back from our  
7 break. We'll go ahead and reconvene.

8 Commissioner Andersen, you were in the middle of  
9 comments still.

10 COMMISSIONER ANDERSEN: Thank you, Madam Chair.  
11 Just kind of to quickly summarize, we all really realize  
12 how important a Communications Director would be. And as  
13 Commissioner Kennedy said, we really should have had one  
14 from day one. Unfortunately, as we all know, the  
15 Auditor, our current two wonderful staffers, are doing  
16 everything based on what the 2010 Commission wrote in  
17 terms of their report modified, and I think we should be  
18 making notes right now for what our report's going to say  
19 in terms of changing things for the next ten years.

20 Basically, yes, it should indeed, from day one, had  
21 us have a communications temporary whatever set up and  
22 just to speak, and a lot of our questions are based on  
23 what we can say and can't say. Could we -- Raul and  
24 Marian, could we say, I know it's in number 14, so I  
25 don't want to get ahead of ourselves, but what is the

1 time line on actually hiring a Communications Director?

2 If we can say, wow, we love this, go. What's the  
3 time period?

4 INTERIM ADMINISTRATOR VILLANUEVA: Okay, so let's --  
5 let's kind of walk that rope very quickly, because that  
6 is part of that agenda item. In essence, because you  
7 don't have the restrictions placed by state civil service  
8 requirements, as soon as the Commission says, yes, an  
9 offer is made and accepted, then I can proceed through  
10 the process with authorization to get someone on board  
11 PDQ, basically.

12 MS. JOHNSTON: There are applications that were sent  
13 out -- or requests for applications sent out by the  
14 Auditor's office. We'll be talking, whenever the Chair  
15 decides to take up this agenda item, about whether or not  
16 you want to accept that job listing, you want to create  
17 your own. If you accept it, you get to see the  
18 applicants and decide if there are any that are  
19 acceptable to you. If there are, you can hire someone.  
20 If there's not, then you can relist the position. So it  
21 really is within your control.

22 COMMISSIONER ANDERSEN: Thank you. Because based on  
23 that, I was going to say if we could just hold off right  
24 now until we actually get -- if the time frame is short,  
25 I say let's hold off. Basically, we are default

1 position -- I'm sorry, hold off on talking to people,  
2 talking to the public. We should actually come up with a  
3 very -- very -- almost, not quite don't say anything to  
4 anybody -- but almost. Very minimal -- minimal -- until  
5 we get a Communications Director on board.

6       If -- I was going to say, if that time line is long  
7 and we decide it's going to be longer, then we should put  
8 a quick policy together, and basically, bottom line is,  
9 default -- whenever you're in doubt about what --  
10 anything -- take it to the staff. Don't immediately send  
11 anything to everybody. Send it to the staff and have  
12 them see if it should go to everybody. So that's my  
13 thought.

14       And in terms of rearranging the agenda, there are a  
15 couple of items that I think as we get to them, I might  
16 recommend that we hold the vote on that to shift to a  
17 later date, but as we get to those items.

18       Thank you very much, Madam Chair, for letting me  
19 finish that.

20       CHAIR TURNER: Thank you. And the thing that I  
21 wanted to say is that I think a lot of the conversation  
22 that we're having and the questions that's come up, and I  
23 believe it was Commissioner Vazquez that brought it up  
24 earlier, is because the way the items are listed on the  
25 agenda reflects training, which makes you think coming



1 away from that item, I should have a clear understanding  
2 and know exactly the direction we should take, and in my  
3 opinion, they really have not been training. They really  
4 have been just a matter of reading through material, very  
5 different than training.

6 And so I think my suggestion in the notes and  
7 journal that we have going forward is that we either have  
8 items listed as just a review of information or actually  
9 have a training on it, which then would consist of more  
10 just than reading through and then asking if we have any  
11 questions. And so I think there is a distinct difference  
12 in that that sends us down the path of feeling like we  
13 need to ask more questions and have more information  
14 about these particular items. So I just wanted to name  
15 that.

16 Let's see. And then we have Commissioner Akutagawa.

17 COMMISSIONER AKUTAGAWA: And actually, thank you.

18 And on that note, Madam Chair, and I think it was  
19 Commissioner Sadhwani that had noted what might be  
20 thought of as training or yeah. As what is thought of as  
21 training versus what we're actually going through.

22 It just got me thinking, especially as I thought  
23 about our discussions this morning around just even the  
24 structure, what were -- I guess I'll say, our powers are,  
25 and even around just all that we're talking about right

1 now around the constitutional requirements of Bagley-  
2 Keene and the Public Records Act.

3 I realize that I guess I have two kind of strings.  
4 One, in the previous Commission's report, it did say that  
5 the first eight got what would be considered a proper  
6 training, versus the six that followed, basically, were  
7 just given videos and told, here, read up on it. So  
8 there was unequal kind of, I guess, training on that  
9 part, and I don't know if that has happened in this  
10 particular case, but I noted with interest that was on  
11 the previous Commission's report.

12 I would like to see what would be considered a  
13 proper training, because I think that with a lot of  
14 information that was just given to us, even with reading  
15 everything, I think it would still help to have the  
16 counsel and staff just really point out very specific  
17 things, as was said going back and forth, and maybe, I'm  
18 sorry, maybe it was Commissioner Vazquez that talked  
19 about what the training should be.

20 I also want to make a suggestion for the future  
21 quote/unquote, trainings. For anything where there's  
22 just going to be a lot of information, at least right  
23 now, provided to us, I'd like to suggest that we use  
24 PowerPoints if possible to highlight the specific areas,  
25 even if it's just showing the document and saying here is

1 the part in the document that I am referring to, so that  
2 we can visually follow along, because as much as I am  
3 trying to take notes, I'm also realizing I'm not  
4 processing as quickly when I hear things, and I know that  
5 some people are visual learners, so they process  
6 information better when they see something visually.

7       And I'm realizing -- and I'm more like that -- I'm a  
8 talker, as you can tell, but I'm also, when it comes to  
9 processing, it's easier if I can actually see something  
10 in writing. And so I'd like to suggest or propose that  
11 we also include Power Points as part of information  
12 that's going to be just really provided to us, similar to  
13 the way it was just done this morning, so that we can  
14 follow along more clearly.

15       CHAIR TURNER: Thank you. There was also a  
16 mentioning, I believe, from Commissioner Sinay, of an  
17 actual training, and then counsel followed up with a book  
18 that's available. I didn't catch the name, because  
19 again, and Commissioner Andersen, you pointed out before  
20 trying to watch hands, et cetera. I find that I'm taking  
21 very few notes, and I am definitely interested in having  
22 further discussion about training that is available. And  
23 Commissioner Sinay, what was the name of the training for  
24 starters? And perhaps we can follow up and have that  
25 information sent out for all of the Commission to review

1 to determine if that's something we are collectively  
2 interested in participating in.

3           COMMISSIONER SINAY: It's the training by the  
4 National Conference of State Legislatures, and I already  
5 sent the link over to Raul to look at it and share with  
6 all of us. But it's a multi-part training. Each module  
7 is an hour. The first one on redistricting, Data 101, is  
8 free, and then -- let's see -- there's about ten modules.  
9 But it goes through a lot of the different topics. I  
10 think it would be a really good foundation for all of us,  
11 but again, it's the National Conference on State  
12 Legislatures.

13           CHAIR TURNER: Thank you. We're going to go to  
14 public comments here, if there aren't -- did I miss any  
15 hands? Is there any other Commissioner that would like  
16 to comment?

17           Commissioner Fernandez.

18           COMMISSIONER FERNANDEZ: Thank you. I'm just going  
19 to try to summarize it, because I have been on school  
20 boards for about fourteen years, and I do remember at  
21 first it was kind of hard to decide what I can say versus  
22 cannot say, so if you just remember to not be committal  
23 to any kind of inquiries, and to voice no opinion.

24           So what I take from this and how I approach the  
25 school board is, I still went and I went to public

1 community events, I went to visit the schools, and then  
2 fortunately for us, on the agenda monthly we had an  
3 agenda item where we kind of round table went through  
4 each of the trustees and you kind of talked about what  
5 you did that month. And that was a great opportunity for  
6 me to bring up any issue or anything that had come up,  
7 and I recommend that we do that as well for future  
8 meetings.

9 But so I think if we just go away, we still need to  
10 educate ourselves, and still -- I hope we do, because we  
11 don't know it all. But just -- it's easy -- you have to  
12 get used to saying I'm either not at liberty to discuss  
13 that or thank you for the information. Those were  
14 probably the two phrases that I used the most.

15 I don't want anyone to be afraid, to not go out  
16 there, and not -- there's this meeting going on, and I  
17 really want to go to it, then go to it. That's fine.  
18 Just, if they start asking specific questions about the  
19 redistricting, where we're at, the map -- not at liberty  
20 and I advise you to go to our website and it shows the  
21 information, what we've gone through and when our next  
22 meetings are. So I guess maybe because I've been doing  
23 it for many years I'm not as concerned about it, but I  
24 can understand wanting to know what you can and cannot  
25 say.

1           And then, I think it was Commissioner Andersen  
2 wondering how long it's going to be. Just from my state  
3 experience, fortunately, the state auditors have been  
4 very much for going out and doing some sort of  
5 recruitment, but I would say we're probably still at  
6 least a month out from hiring anyone, because by the time  
7 we screen the applications and make an offer -- probably,  
8 I mean, if they're still working, they're going to have  
9 to have a two-week notice at least, so I'm saying a  
10 month. If it's going to be at least a month, that's a  
11 long time to not talk to anyone or say anything, so.  
12 Just be noncommittal, I guess, and don't issue any  
13 opinion.

14           That was all I wanted to say. Thank you.

15           CHAIR TURNER: Thank you, Commissioner.

16           Commissioner Toledo and Andersen, then.

17           COMMISSIONER TOLEDO: I just thought I'd go back to  
18 Commissioner Andersen's point of -- and I believe it's  
19 also Le Mons' point of default, saying if there is a  
20 question to go to staff, counsel or staff, just to let  
21 them know and get some guidance on whether to participate  
22 on -- until we have additional training or additional  
23 staff support, that the default should be we communicate  
24 through the staff or work -- at least get guidance from  
25 staff. And I don't think we need a motion for that, I

1 think it just should be a consensus of the group, unless  
2 the group thinks otherwise.

3 CHAIR TURNER: Thank you. Commissioner Andersen?

4 COMMISSIONER ANDERSEN: Thank you, Madam Chair.

5 I just want to address -- first of all, thank you,  
6 Commissioner Toledo. I think that's exactly -- just to  
7 default. Also, if it is a month, we might want to think  
8 later about a policy -- putting a policy together.

9 But right now, the training -- I just want to  
10 mention there has been confusion about what is training  
11 and what is not training, but we do have some serious  
12 training coming up. The State Auditor did, indeed, pay  
13 attention to what the report of the 2010 commission said,  
14 in that the eight of us received just the videos. We did  
15 not receive the full training of people coming in, like  
16 the application review panel did.

17 We got those videos, with the exception of one  
18 fellow, Justin Levitt, who will come in and talk to us.  
19 There was a huge glitch in his video and so he actually  
20 had to come in and talk over that portion, and that was a  
21 little confusing for the way it got handled, because it  
22 was kind of in the middle, so it did seem real unusual.

23 Because what the State Auditor decided is that the  
24 fourteen of us would get the full training. So we aren't  
25 getting -- I don't know if they're coming in in person or

1 if they're Zoom or we'll actually be able to talk to and  
2 ask questions of all the information in terms of,  
3 basically, 17, 19, 20, 21. And these are actual, real  
4 training videos with PowerPoints, the whole nine yards.

5 And they also -- we do, actually, redistricting 101,  
6 and that is with Justin Levitt, who is actually very,  
7 very good. And he will say in there, and I'm going to  
8 reiterate it right now, because someone might go out look  
9 at the National Council of State Legislatures, California  
10 has very specific criteria, which does not apply in other  
11 states. And there's a lot of confusion about what you  
12 can and can't do in other states and gerrymandering and  
13 things, which are completely irrelevant to California.

14 And so you can waste a lot of time and energy  
15 looking at, oh, okay, we can watch this and this and  
16 this. And people will actually come to our Commission  
17 and say, well what about these different ideas and  
18 different ways to redistrict and we have to know enough  
19 to say, I understand what you're saying, but that does  
20 not apply to California.

21 So before we jump into that other training, I would  
22 wait until we hear our California-based redistricting  
23 101. So it is a little confusing in that it looks like  
24 we're training, training, training, when we haven't  
25 really. It's been discussion more, which Chair Turner



1 adequately addressed, I mean, more -- very well  
2 addressed, I should say, not adequately.

3 And the actual training really is training, and it's  
4 just ahead of us, which is why some of these things we'll  
5 need to kind of push until after we know about it, after  
6 the real training, which is coming up ahead of us. So  
7 just to say that.

8 CHAIR TURNER: Thank you, Commissioner Andersen.  
9 Justin will come to us on Tuesday at 11 a.m. He's  
10 scheduled to come in for California Redistricting 101.

11 At this point, Commissioners, I believe we'll go to  
12 public comment.

13 MS. JOHNSTON: Madam Chair?

14 CHAIR TURNER: Oh, I'm sorry, Marian, you had a few  
15 more things.

16 MS. JOHNSTON: I have three fairly short points, and  
17 then Raul wanted to say a few things, too, before you go  
18 to public comments, if that's okay.

19 CHAIR TURNER: Please do. Thank you.

20 MS. JOHNSTON: Okay. First of all, I've not talked  
21 anything about the meeting requirements that Bagley-Keene  
22 sets up. And that's because of the two Governor's  
23 executive orders that you've gotten copies of that  
24 basically make all personal meetings out of place, and so  
25 you're meeting as you are now. That will totally change

1 if and when the COVID problem is gone, and we'll do more  
2 training then on exactly what the Bagley-Keene  
3 requirements are.

4       Secondly, in case you've wondered why there's that  
5 funny comment about how you don't need to use your real  
6 name. It's because there's a provision in Bagley-Keene  
7 saying that no person shall be required as a condition of  
8 attending a public meeting to give their name, allowing  
9 privacy if people don't want to give their names, so we  
10 have to allow that.

11       And finally, just as a reminder, this only applies  
12 to business activities. If you're going to be meeting  
13 socially, that's perfectly fine, as long as no business  
14 is discussed, and a lot of the good feelings among the  
15 prior Commissioners came with having dinners together,  
16 traveling together, lunch together, just discussions  
17 together about personal, getting-to-know-each-other type  
18 things. I hope that there's a way that you can set up  
19 social distance meetings that allow you to get to know  
20 each other better.

21       Raul?

22       INTERIM ADMINISTRATOR VILLANUEVA: Thank you. I  
23 just wanted to bring up one point, please. In some of  
24 the discussion about what you can and can't say, the  
25 requirements, your responsibilities, how the law applies,



1 it kind of came to mind that -- I don't know how many  
2 hats you think you're wearing, and I thought it might be  
3 good to point that out.

4 As an individual and a Commissioner, you wear at  
5 least four hats, one as a private citizen, two as an  
6 individual Commissioner, three as an individual  
7 Commissioner who's acting as a spokesperson on behalf of  
8 the Commission, and four as an actual Commissioner  
9 engaged in Commission business. The responsibilities and  
10 the way that the law applies across those four roles is  
11 different. And so I think sometimes that adds to the  
12 confusion.

13 So it's always important to remember what hat you're  
14 wearing, and what the role and responsibility is with  
15 that, and how the law applies. For example, with number  
16 four, as a Commissioner actively engaged in Commission  
17 business, there has to be a public meeting. The public  
18 has to be invited to that, different from when you're an  
19 individual who is a Commissioner, and you're expressing  
20 your opinion as an individual, and again different when  
21 you're acting as a spokesperson for the Commission. So  
22 anyway, just something to keep in mind and maybe to help  
23 discriminate some of these areas and alleviate a little  
24 bit of the confusion.

25 So thank you, Madam Chair.



1 CHAIR TURNER: Thank you. And I wanted to say,  
2 Raul, and to the counsel as well and the rest of the  
3 Commissioners, it had come up in one of the conversations  
4 about notification, and I think, Marian, you had asked  
5 about that. I just wanted to -- in case it works for  
6 you -- just Google notification, where you can put any  
7 word, any name, and it will automatically send to you all  
8 of the articles that's come up, and so -- Google  
9 alerts -- I'm sorry -- is what it's called. And so if  
10 you look up that, you'll get them all directly and then  
11 you can forward them out to the Commissioners or  
12 whatever. The Google alerts will do that for you on any  
13 topic, any subject that you need.

14 MS. JOHNSTON: Thank you.

15 CHAIR TURNER: You're welcome.

16 Commissioner Fornaciari?

17 COMMISSIONER FORNACIARI: Yes. Go to the  
18 wedrawthelines website. There is a webpage under  
19 press -- oops, hang on -- we've really got to fix this  
20 website --

21 COMMISSIONER YEE: Yes.

22 COMMISSIONER FORNACIARI: -- under press, recent  
23 articles, there is a Google alert that lists articles  
24 about the California Citizen's Redistricting Commission.  
25 So there's a list of articles. The most recent article

1 is about a Petaluma health care official named to the  
2 state redistricting panel. So we have -- "Top Valley  
3 Contender for Redistricting Panel Nixed Following Last-  
4 Minute Blitz". So there is a news feed there already  
5 related specifically to the redistricting commission.

6 One other comment about Commissioner Yee's question.  
7 Because Gmail is a cloud-based system, you know, you can  
8 log on to Gmail from any browser and read your email. I  
9 just want to reiterate, I wouldn't set it up on my -- and  
10 you can do that from any browser or from any device and  
11 it should be fine. I wouldn't download or do any  
12 documentation on any personal device. And I wouldn't set  
13 it up on a mail reader on a personal device, but I -- so  
14 I used to manage an IT group for a number of years. But  
15 there shouldn't be a problem with you just simply reading  
16 your mail from a browser on any device. Just to  
17 reiterate that comment.

18 CHAIR TURNER: Thank you.

19 Jeff, I think we'd like public comments at this  
20 time, please.

21 AT&T AT&T OPERATOR: Of course. And just as a  
22 reminder for anyone that has dialed in to the phone line:  
23 If you wish to ask a question, you may press 1, then 0.

24 And at this current time, no one is queuing up,  
25 Madam Chair.



1 CHAIR TURNER: Thank you. Maybe we'll try again  
2 after lunch. And lunch today, we will need to go right  
3 at 12:30 because I believe we have a speaker at 1:30  
4 that's scheduled to dial in.

5 INTERIM ADMINISTRATOR VILLANUEVA: That is correct.

6 CHAIR TURNER: And we'll plan the -- thank you.  
7 We'll plan the rest of our conversation so that we can  
8 lunch at 12:30. And for any public that is dialed in,  
9 and with the support and assistance of my Commissioners,  
10 we will come back from lunch for public comment. So if  
11 you want to plan for that -- if you all remind me, when  
12 we come back I'll make sure we start with public comment  
13 when we come back from lunch as well.

14 At this point, let's see, we would be on Item 13,  
15 which would be the discussion of conflict of interest  
16 code. But I'm wondering if we could just skip and stay  
17 on the staffing since there was a lot of conversation and  
18 interest there. Perhaps about the Communications  
19 Director, et cetera, or I wondered if you're prepared to  
20 go first the before we go to 13 and 14 at this time.

21 INTERIM ADMINISTRATOR VILLANUEVA: Well, Madam  
22 Chair, we've got twenty minutes, right? No, an hour. We  
23 have an hour. Right? No, an hour. We have an hour.

24 CHAIR TURNER: Right. We have almost an hour, uh-  
25 huh.

1 INTERIM ADMINISTRATOR VILLANUEVA: Very good. So  
2 first things first. Yeah, I can go ahead and maybe cover  
3 the broader issues and then actually go into the  
4 recruitments afterwards or did you want to just jump --

5 CHAIR TURNER: Well --

6 INTERIM ADMINISTRATOR VILLANUEVA: -- straight  
7 recruitments?

8 CHAIR TURNER: -- let me ask you this. For this  
9 whole section of 14, is it a longer issue that you're  
10 thinking that you need more than the hour so that it's  
11 not broken up? Is that what I'm understanding?

12 MS. JOHNSTON: I think you go can ahead.

13 INTERIM ADMINISTRATOR VILLANUEVA: Well, it depends.  
14 Okay. So let me go ahead and provide a framework for  
15 this.

16 CHAIR TURNER: Okay.

17 INTERIM ADMINISTRATOR VILLANUEVA: Out of this, you  
18 need to -- the Commission needs to understand what you  
19 can and can't do in regards to staffing. I'll give you  
20 an example of a previous staffing structure, how those  
21 roles and responsibilities work in terms of engaging  
22 different processes that you want your behest.

23 In terms of the recruitment, to understand what's  
24 been done and what your decision points on -- are on  
25 that, and to hold a discussion, and to make a decision.

1 The decision is basically to accept those recruitments,  
2 and extend those recruitments, or do away with those  
3 recruitments and do your own recruitment. So as far as a  
4 kind of a sneak peek into the future, that's basically  
5 what's going on with item number 14. So can that get  
6 done in an hour? It depends on your discussion.

7 CHAIR TURNER: Okay. I understand, Commissioner  
8 Sinay?

9 COMMISSIONER SINAY: I would like us to actually --  
10 before we jump into the bureaucracy or the administrative  
11 side of things, to actually take some time to think  
12 through what the relationship is between us. But yeah,  
13 the CRC as a Commission and staff because everything I've  
14 read is actually counter to what I've read in -- or  
15 everything I thought was counter to how they are that  
16 these were actually written or the job descriptions.

17 So as a Commission, I think it would be helpful for  
18 us to know what would success look like? We've never all  
19 kind of said, you know, we said that in our interviews,  
20 but we haven't said it to each other. What would success  
21 of this process look like? And then what do we need to  
22 actually achieve that success in staffing? And I know,  
23 Aman, and she'll look at me like no more talking, but I  
24 think I think we need to base -- we can't move forward  
25 without -- if not, we're just going to hire people that



1 look good on paper.

2 I don't know. I'm having a really hard time without  
3 knowing what we all want to move forward on this piece.  
4 So I am a firm believer in know your vision, know what  
5 you have around the table, and then know what you need.  
6 And for those who do appreciate inquiry, that's kind of  
7 we appreciate that very model. But I would like us to  
8 know what our vision is and we don't have to agree,  
9 collectively, but at least if we can hear what each  
10 other's vision is, I think that's going to help us. And  
11 then know what we each bring to the table that will help  
12 us understand what we need in skillsets from all these  
13 other -- from staff.

14 And also understanding are we leading the staff or  
15 is staff leading us? Because the way that the proposals  
16 are written or the job descriptions, they're the face of  
17 the Commission. And I thought we were the face of the  
18 Commission. So just --

19 MS. JOHNSTON: And those were not developed by  
20 staff. They were developed by the auditor's office.

21 INTERIM ADMINISTRATOR VILLANUEVA: You know --

22 COMMISSIONER SINAY: No, no, I completely understand  
23 that. But I'm just saying, the way they're written right  
24 now, it makes it as the staff is the face of the  
25 Commission versus us. And so I just want us to kind of

1 have a philosophy and understanding before we jump into  
2 this. Sorry, Commissioner Le Mons, I see you. I see you  
3 cleaning your eyebrows, wiping your eyebrows.

4 CHAIR TURNER: Commissioner -- okay.

5 Commissioner Andersen and then Commissioner Le Mons.

6 COMMISSIONER ANDERSEN: Thank you. So on that, I've  
7 just got a quick question, and it's basically to just to  
8 Mr. Villanueva. When we look at these -- the staffing,  
9 that sort of stuff, do we need to know Item 15, the  
10 training on state contracting procurement? Because  
11 specifically, I'm wondering in terms of, you know, we  
12 sent out these essentially RFPs, could we modify that?  
13 And I don't know if we need to know more about our state  
14 contracting procurements rules and regulations before we  
15 could even look at the contracts.

16 MS. JOHNSTON: There's a distinction between  
17 contracts and staff hires. Staff hires are totally  
18 within your control. You don't have to comply with civil  
19 service rules or anything else, so.

20 INTERIM ADMINISTRATOR VILLANUEVA: Well, it kind of  
21 goes beyond that. The contracting and the procurement,  
22 the procurement is the buying of goods. The contracting  
23 is engaging a provider for services, essentially. Okay?

24 With your staffing, it's a totally different thing.  
25 Think human resources and personnel. Okay?

1 COMMISSIONER ANDERSEN: Okay.

2 INTERIM ADMINISTRATOR VILLANUEVA: So you may have a  
3 business office that takes care of your contracts for  
4 people to come in, say, mow the lawn, whatever.  
5 Procurement to get your office supplies. And then your  
6 HR is there doing your recruitment and hiring. So  
7 they're very distinct in concerns.

8 COMMISSIONER ANDERSEN: Very separate, got it.  
9 Okay.

10 INTERIM ADMINISTRATOR VILLANUEVA: So you -- so in  
11 other words, no, you don't need to jump into that.

12 COMMISSIONER ANDERSEN: That was exactly what I was  
13 asking.

14 INTERIM ADMINISTRATOR VILLANUEVA: Yes.

15 COMMISSIONER ANDERSEN: Thank you.

16 CHAIR TURNER: Thank you. And I'm wondering -- and  
17 Commissioner Sinay and the other Commissioners, I'm  
18 wondering if, indeed, you all can start the training or  
19 the report rather on this particular to give us kind of  
20 an outside look of what the intent is, what has already  
21 been done, some information of what's there, and through  
22 discussion we even have opportunity then to consider or  
23 talk about what your suggestion is as far as our goals  
24 before we determine how we're going to move forward,  
25 whether we'll use the existing RFP if we'll now decide to

1 create and put out one.

2       So -- and that's just a thought, but if not as  
3 strong. So if you really feel like we need to do that  
4 before we move here, just let me know that I'm trying to  
5 get a feel for you and the rest of the group.

6       INTERIM ADMINISTRATOR VILLANUEVA: Okay.

7       CHAIR TURNER: Commissioner Le Mons?

8       COMMISSIONER LE MONS: Yeah. I was going to  
9 actually see --

10      CHAIR TURNER: What --

11      COMMISSIONER LE MONS: -- what you -- what you just  
12 suggested. Let us hear -- I know we have our reactions  
13 or our beliefs about whatever we've read or whatever  
14 we've heard. But in the context of this, I'd like to be  
15 able to hear from Raul what you just outlined then that  
16 will formulate our very specific questions. I personally  
17 don't need a visioning exercise on human resource staff.  
18 That's me personally.

19      But if -- I'd rather us frame this down. So I -- to  
20 your point, it allows Commissioner Sinay to get that  
21 function handled, too, in the discussion without us kind  
22 of methodically doing it that way. So I think we can  
23 kind of kill two birds with one stone with the approach  
24 you outlined. So I support what you just outlined.

25      CHAIR TURNER: Thank you.



1 INTERIM ADMINISTRATOR VILLANUEVA: So is that --

2 CHAIR TURNER: Raul, let's go forward. And I  
3 definitely will ensure, Commissioners Sinay, that we  
4 don't lose your comment and your suggestion that we  
5 definitely want to consider before we make decisions.  
6 But let's go ahead and move at this point with the report  
7 that you have.

8 Raul, we'll get as far as we can before our lunch  
9 hour. And if we have to break it up, it might be a good  
10 time for us to absorb what you've said and then move  
11 into, you know, what the desire would be of the  
12 Commission and how to.

13 INTERIM ADMINISTRATOR VILLANUEVA: Very good. And  
14 one thing for I start, Commissioner Kennedy, you  
15 expressed concern about making sure that that  
16 organizational chart for the 2011 was able to be posted.  
17 It has been posted. Everybody has a copy of it. Members  
18 of the public who want to follow along, that's where  
19 we're going to start.

20 And Commissioner Le Mons, I have no intention of  
21 trying to give any -- let's see what HR is all about type  
22 of presentation.

23 Yes, Commissioner Sinay?

24 COMMISSIONER SINAY: And since you have it, can you  
25 share it on your screen so we can all see it at one time?

1 I think that was kind of what we talked about earlier and  
2 because I know I have it, but when I looked at it, it was  
3 really fuzzy in that -- the what I had. So if

4 there's a way you can share the screen so we're all  
5 looking at the same thing at the same time.

6 INTERIM ADMINISTRATOR VILLANUEVA: Not  
7 automatically, no. Because I'm plugged in to something  
8 different.

9 COMMISSIONER SINAY: Okay, that's fine.

10 INTERIM ADMINISTRATOR VILLANUEVA: Okay? My  
11 apologies.

12 COMMISSIONER SINAY: That's true.

13 CHAIR TURNER: Can we get Kristian to --

14 INTERIM ADMINISTRATOR VILLANUEVA: No, because it  
15 would have to come -- Well, Kristian, you have the PDF.  
16 This would be the 14A org chart July 2011 pdf. So  
17 Kristian will work on that while I go ahead and proceed.  
18 That -- that's it.

19 The reason we started with this is a couple of  
20 reasons. So your positions, your staffing are -- apart  
21 from civil service and all the civil service  
22 requirements, which then would require a lot of lengthy  
23 time processes, procedures, because of history and CBAs,  
24 collective bargaining agreements, all these kinds of  
25 things. It's very much more a freeway. You have

1 complete authority over your positions.

2       So the State HR doesn't have any over oversight of  
3 your positions. You already have certain position,  
4 certain classes of positions that are already in place.  
5 One of the things that I've been doing is updating that  
6 with the State Controller's Office. So once you hire  
7 people, then we can put them into the system and get them  
8 hired and paid.

9       The other thing is, is these folks -- your positions  
10 are not part of Article VII of the Constitution, which  
11 identifies and delineates the requirements for  
12 individuals exempt from civil service. Your positions  
13 are even outside of that. The ones under that require a  
14 Governor's office approval and Cal HR approval and  
15 appointment. And obviously, you can't have the  
16 Legislature or the Governor's office making appointments  
17 for your staff. So that's one of the reasons that that  
18 was put into law.

19       If you look at your organizations chart, the 14  
20 Commissioners, you're up -- you're there up on top. You  
21 are the face of the Commission. Okay? You are the  
22 Commission. Basically, what your staff do is they carry  
23 out those things operationally to provide you the support  
24 to do your work. Okay? Your Executive Director,  
25 Communications Director, Budget Director, Business



1 Manager, Chief Counsel, that's that top layer. All  
2 those -- all of those classes are in place right now.

3 The Staff Counsel, that was -- so those four  
4 positions are, quote/unquote, permanent positions of the  
5 Commission. In other words, those are employees of the  
6 Commission with appointments as part of state service.  
7 The staff counsel, we had several RAs who were working in  
8 that capacity. Marian here was one of the RAs who  
9 decided to come in and has provided able services for  
10 quite a while.

11 When you look at senior operations analyst and  
12 communication liaison, that's out of one class. And so  
13 out of that class, we could take different positions and  
14 assign those different duties. So those two positions,  
15 the Commission assisted

16 CHAIR TURNER: Raul?

17 INTERIM ADMINISTRATOR VILLANUEVA: -- in this --

18 CHAIR TURNER: Raul?

19 INTERIM ADMINISTRATOR VILLANUEVA: Yes?

20 CHAIR TURNER: And you're saying that's out of one  
21 class on -- you made a point of that. What should that  
22 have meant to me?

23 INTERIM ADMINISTRATOR VILLANUEVA: Oh.

24 CHAIR TURNER: They're out of one class.

25 INTERIM ADMINISTRATOR VILLANUEVA: So as far as the



1 hiring structure, what that means is a class, imagine  
2 that is a certain level of responsibility. And within  
3 those certain levels of responsibility, you can make  
4 specific assignments. And so the duties may be  
5 different. And so what it does -- so I guess I'm -- what  
6 I'm doing, and maybe --

7 What classification of employee, they come --

8 INTERIM ADMINISTRATOR VILLANUEVA: Yes. All out of  
9 the class?

10 INTERIM ADMINISTRATOR VILLANUEVA: Right.

11 Okay.

12 INTERIM ADMINISTRATOR VILLANUEVA: So -- and that's  
13 a good question, Commissioner. What I'm trying to do is  
14 give you an overview of what is available to you in terms  
15 of staffing. Right? The different the different types  
16 of positions, responsibilities that we could fill or we,  
17 your Executive Director, can feel on your behalf. As  
18 Marian pointed out, the Commission has to approve by a  
19 supermajority each and every one of its hires, whether  
20 it's a retired militant or it's the Executive Director.

21 What your Executive Director does -- and in my  
22 capacity for the 2010 is I did the recruitment, did the  
23 screening, and then we made the recommendation to the  
24 Commission, presented the individual, their  
25 qualifications, duties, roles, responsibilities, and the

1 Commission then decided whether or not that was going to  
2 be a good hire and voted them in by a supermajority.

3 CHAIR TURNER: I see.

4 INTERIM ADMINISTRATOR VILLANUEVA: There's a lot of  
5 temporary work, especially in regards to managing the  
6 public input. Last time we had probably over 10,000  
7 pieces of information flow through that had to be  
8 processed anywhere from -- anyway, just leave it at that,  
9 processed before it got put on the website. We used a  
10 lot of student interns in that capacity. One of the  
11 things that your Executive Director and I felt very  
12 strongly about was if you had opportunities for students  
13 to come in, engage the process, learn, and get paid,  
14 let's give them that opportunity. And so we were able to  
15 staff that portion with a lot of student interns.

16 For the retired annuitants, contracts, and  
17 procurement, especially the procurement, but both sides  
18 of it, the laws and regulations that affect that and the  
19 requirements in terms of fiscal responsibility, it was  
20 easier then to go ahead folks who were already in the  
21 know on the system, knew the players and have them come  
22 in and take care of that part of it. And so for those,  
23 we used a lot of retired annuitants.

24 At first we probably ran through \$4 million worth of  
25 contracts and procurements in four or five months.

1 That's how fast things went. And to channel that much  
2 through the process, those individuals were key. The  
3 commissioner or liaison commissioner system, by the way,  
4 those were the road staff that went with the Commission.  
5 And so they were basically on the road with the  
6 Commission.

7 Those were my eyes and ears in terms of where are we  
8 going, what's needed? Do we need venues? Do we need  
9 translators? do we need security? And they would bring  
10 that information back to me. I would do the contract and  
11 get those people on site.

12 COMMISSIONER VAZQUEZ: And pardon me, sorry, I  
13 apologize. I do not -- do not have any documents for  
14 item 14.

15 Is this the right one?

16 INTERIM ADMINISTRATOR VILLANUEVA: Yeah, it's the  
17 right one.

18 COMMISSIONER VAZQUEZ: I seem to not the right one.

19 INTERIM ADMINISTRATOR VILLANUEVA: Okay. So it's on  
20 screen right now. Can you see it?

21 COMMISSIONER VAZQUEZ: Right. Are there additional  
22 documents? You kept referring to an org chart and I have  
23 the one for item 11. What I don't have is anything for  
24 item 14. So this is the only document, we're fine.

25 INTERIM ADMINISTRATOR VILLANUEVA: Okay.



1 COMMISSIONER VAZQUEZ: But if we're going to be  
2 reviewing additional --

3 INTERIM ADMINISTRATOR VILLANUEVA: It was originally  
4 sent to you as that JPEG. It's not a PDF. And I turned  
5 it into a PDF last night. Okay. I'll get that sent to  
6 you.

7 COMMISSIONER VAZQUEZ: I'll get -- if it's -- if  
8 this is just what's displayed on the screen, we are okay  
9 for now.

10 INTERIM ADMINISTRATOR VILLANUEVA: Yes.

11 COMMISSIONER VAZQUEZ: I just didn't want to have  
12 missed anything else from item 14 because I don't even  
13 have an email that references item 14.

14 INTERIM ADMINISTRATOR VILLANUEVA: Okay. I can go  
15 look through what I have and get it resent.

16 COMMISSIONER AHMAD: Commissioner's Vazquez, can I?  
17 All of the documents are actually online on the We draw  
18 the lines website.

19 COMMISSIONER VAZQUEZ: Yes, thank you.

20 COMMISSIONER AHMAD: And it might be easier from the  
21 office from the future --

22 COMMISSIONER VAZQUEZ: Yep.

23 COMMISSIONER AHMAD: -- so you can just refer to one  
24 place. The public has that information and we have it  
25 similar.

1 INTERIM ADMINISTRATOR VILLANUEVA: Thank you,  
2 Commissioner Ahmad. That's a good workaround for right  
3 now.

4 I apologize for you not having them immediately  
5 available, Commissioner.

6 So one of the things to consider that you as a group  
7 are going to have to consider is your salary schedule.  
8 And if you'll bring that up, you'll see the 2011 salary  
9 schedule. And that's 14A-2010-CRC Salary Schedule. Yes.  
10 It's on the website.

11 And so the salary schedule in 2011 was based on the  
12 exempt salary schedule used by the State. Okay? It's  
13 something that Cal HR puts out. And so whenever any  
14 exempt hire is made throughout the executive branch  
15 agencies, here's where they go to then for the minimum  
16 maximum salaries for hire. It was adopted back in 2011  
17 for a couple of reasons.

18 One, it keeps the salary more or less within the  
19 constraints of regular state service. And so there's  
20 that high level of comparability. It protects the public  
21 interest because as part of state service, it goes within  
22 those types of parameters. And also too, when you're  
23 looking at working with retired annuitants or folks who  
24 are currently in place and coming over as limited term  
25 appointment and going back, it also facilitates that.

1 Certain positions like your budget officer, it's  
2 really key that they have that state experience because  
3 without it they really won't be able to provide the  
4 services that you need for that type of responsibility.  
5 So that's why that was put into place.

6 What I have for you then to consider is the 2019  
7 exempt salary chart, which is the up -- the basically the  
8 ten-year update on that that's been put out by Cal HR.  
9 So the 2019 update is what's in place right now for  
10 exempt appointments. And if you -- if you look at the  
11 two, you'll see the same classifications. And the main  
12 difference is going to be in terms of the salary ranges  
13 in there and how they've increased over the last ten  
14 years.

15 And so in looking at your salary schedule, that's  
16 one of the things that I would want you to consider is  
17 the possibility of doing similar and adapting the exempt  
18 salary chart as the basis for your salaries.

19 COMMISSIONER SINAY: I'm sorry, Raul? A quick  
20 question. Do we know -- not so much for the exempt, but  
21 for the nonexempt staff is living wage included in in the  
22 calculations of salaries, do we know? Yeah, especially  
23 if they're living inside, you know, living wage based in  
24 living Sacramento not minimum wage but the actual cost to  
25 live, the living wage?



1 INTERIM ADMINISTRATOR VILLANUEVA: So for civil  
2 service, I do believe that -- two things. One, it's  
3 predominantly the same -- the same salary range for that  
4 for that class and position across the State. In certain  
5 circumstances, the position it's Local and/or specific  
6 duties could affect how -- the rate, what point in the  
7 range they might be hired. But I think the ranges are  
8 pretty much set for civil service and for the exempt. I  
9 mean, these are the ranges. Whether they're --

10 COMMISSIONER SINAY: But you're not -- I think that  
11 my question was when these ranges were set, was -- do you  
12 know if living wage was part of that?

13 INTERIM ADMINISTRATOR VILLANUEVA: No, I really  
14 couldn't tell you everything that went into their  
15 compensation studies. No.

16 COMMISSIONER SINAY: Okay. Thank you.

17 INTERIM ADMINISTRATOR VILLANUEVA: You can look on  
18 the website, see what they have to say, but I don't know  
19 exactly everything they did for their compensation  
20 studies. So does the group understand what I'm -- what  
21 I'm putting before the Commission in terms of whether to  
22 accept or not?

23 CHAIR TURNER: At this point, what you're putting  
24 before us is whether or not we accept the ranges in the  
25 2019 exempt salary chart?

1 INTERIM ADMINISTRATOR VILLANUEVA: Yes, correct.

2 CHAIR TURNER: And that's everything above the line,  
3 right?

4 INTERIM ADMINISTRATOR VILLANUEVA: No, that's the  
5 whole thing.

6 CHAIR TURNER: So for example, all the way down to  
7 P9, those wouldn't be considered exempt employees, right?

8 INTERIM ADMINISTRATOR VILLANUEVA: No. T

9 CHAIR TURNER: Based on the -- okay.

10 INTERIM ADMINISTRATOR VILLANUEVA: No, I'm sorry.  
11 Please finish.

12 CHAIR TURNER: Oh no. I was just trying to get  
13 clarification of the nonmanagement positions below the  
14 line on your exempt salary chart aren't also exempt?

15 INTERIM ADMINISTRATOR VILLANUEVA: They are. It's  
16 exempt from civil service, not exempt from FLSA. Okay?  
17 Because you may be thinking of exempt from FLSA where  
18 based on responsibilities --

19 CHAIR TURNER: Okay.

20 INTERIM ADMINISTRATOR VILLANUEVA: -- and salary,  
21 and all that, whether they're going to be able to turn  
22 overtime or not. No, this is exempt from civil service.

23 CHAIR TURNER: Okay.

24 INTERIM ADMINISTRATOR VILLANUEVA: Excellent  
25 question. Thank you.





1 COMMISSIONER ANDERSEN: All right. Just a quick  
2 what is FLSA?

3 INTERIM ADMINISTRATOR VILLANUEVA: The Federal Labor  
4 Standards Act.

5 COMMISSIONER ANDERSEN: Oh, well. Thank you.

6 INTERIM ADMINISTRATOR VILLANUEVA: And thank you for  
7 not asking me to explain it for you.

8 COMMISSIONER AKUTAGAWA: So I guess, again, further  
9 clarification. So anyone that's below that -- basically  
10 in that nonmanagement position category, they are  
11 essentially hourly workers?

12 INTERIM ADMINISTRATOR VILLANUEVA: Correct. And  
13 they will --

14 COMMISSIONER AKUTAGAWA: Okay.

15 INTERIM ADMINISTRATOR VILLANUEVA: -- and they will  
16 earn overtime

17 COMMISSIONER AKUTAGAWA: Overtime. Okay.

18 INTERIM ADMINISTRATOR VILLANUEVA: Because they  
19 still meet --

20 COMMISSIONER AKUTAGAWA: I would say --

21 INTERIM ADMINISTRATOR VILLANUEVA: Correct. I'm  
22 sorry. Go ahead. Yeah.

23 COMMISSIONER AKUTAGAWA: Yeah. No, I was just going  
24 to say I saw student assistant, I thought that was  
25 interesting that they were considered an exempt employee

1 in the kind of the, I guess, fair labor --

2 INTERIM ADMINISTRATOR VILLANUEVA: FLSA.

3 COMMISSIONER AKUTAGAWA: Yes.

4 INTERIM ADMINISTRATOR VILLANUEVA: Yes. FLSA is a  
5 very difficult and challenging topic in many ways,  
6 especially when looking at exempt from overtime, which is  
7 very much outside of this discussion. But that's the way  
8 most people think of as exempt. And no, this is strictly  
9 speaking exempt from civil service and the civil service  
10 requirements and laws.

11 And your staff are exempt from civil service and  
12 also exempt from exempt from civil service. It's a --  
13 the Commission is really interesting in that you're a  
14 quasi-independent entity with a lot of independence,  
15 especially in regards to your staff and especially in  
16 regards to what you do. When -- anyway, just leave it at  
17 that.

18 So again, those are -- those are the three primary  
19 reasons for strongly considering the -- to adopt this  
20 again we're in term --

21 COMMISSIONER FERNANDEZ: Well -- this is  
22 Commissioner Fernandez, can I just add something to that?

23 INTERIM ADMINISTRATOR VILLANUEVA: Please.

24 COMMISSIONER FERNANDEZ: Since I've been with the  
25 State for many, many, many years and I appreciate the



1 ability to go against the benefit of that. Correct me if  
2 I'm wrong, is that one we streamlined the hiring process.

3 INTERIM ADMINISTRATOR VILLANUEVA: Very much.

4 COMMISSIONER FERNANDEZ: And then, two, because it  
5 is exempt if an employee's not working out or us, it's  
6 easier for us to no longer require their services,  
7 especially if they're limited term, we can -- we can end  
8 that agreement, I think within twenty days or something  
9 like that. You'll have to correct me.

10 INTERIM ADMINISTRATOR VILLANUEVA: No, Commissioner,  
11 actually less.

12 COMMISSIONER FERNANDEZ: Oh, okay.

13 INTERIM ADMINISTRATOR VILLANUEVA: Your employees,  
14 all of your employees and staff are at will.

15 COMMISSIONER FERNANDEZ: Okay. So I mean, that  
16 includes them and not -- and just for everybody else's  
17 benefit. Having been with the State for many years this  
18 is actually a good feature. And an ability -- an ability  
19 to be able to streamline the process. So thank you.

20 INTERIM ADMINISTRATOR VILLANUEVA: You're welcome.  
21 Good points to bring up.

22 CHAIR TURNER: Yes. Can you stop screen share at  
23 this point? Thank you. Okay, commissioners, any other  
24 comments, questions? There's a question on the floor  
25 from Raul as far as if we are willing to just accept

1 the -- the range on the exempt salary chart.

2 COMMISSIONER VAZQUEZ: Madam Chair, I think  
3 Commissioner Fernandez has a question.

4 CHAIR TURNER: I want you to wave a little bit  
5 wilder, more wilder I'll see YOU.

6 Yes, Commissioner Fernandez.

7 COMMISSIONER FERNANDEZ: I must be blending in with  
8 the yellow behind me. I mean, I don't know if we need to  
9 make a motion. But I would make a motion that we do  
10 accept the exempt salary schedule. I'm not sure if  
11 that's what's needed at this point.

12 COMMISSIONER ANDERSEN: I would second it.

13 CHAIR TURNER: Who is that please?

14 COMMISSIONER ANDERSEN: Commissioner Andersen.

15 MS. JOHNSTON: Discussion.

16 COMMISSIONER ANDERSEN: I -- I do have a question a  
17 Madam Chair.

18 CHAIR TURNER: Yes.

19 COMMISSIONER ANDERSEN: What -- what would be the  
20 alternative?

21 MS. JOHNSTON: You can make up your own salary  
22 scale.

23 COMMISSIONER ANDERSEN: Oh.

24 INTERIM ADMINISTRATOR VILLANUEVA: And keep it  
25 legal.

1 CHAIR TURNER: And keep it legal.

2 Commissioner Sinay?

3 INTERIM ADMINISTRATOR VILLANUEVA: Yes. It's not as  
4 simple as I think we'll just pay them this.

5 CHAIR TURNER: Right.

6 COMMISSIONER ANDERSEN: Thank you very much. That's  
7 exactly what I wanted to know. Thank you.

8 CHAIR TURNER: Commissioner Sinay?

9 COMMISSIONER SINAY: Going back to my question about  
10 a living wage. I want to make sure that what we're  
11 paying especially that I understand students would be  
12 different, but the salary that we're saying for  
13 secretaries, for instance, can a secretary -- can someone  
14 making 42,000 to 55 or 59,000 find a place to rent and  
15 you know, is it a living wage?

16 I do have -- there is a living wage calculator that  
17 can help us to figure this out. But I would really like  
18 us to think about everybody who's working for the  
19 commission is able to go home at night and not have to  
20 have a second job, so that they can support us.

21 INTERIM ADMINISTRATOR VILLANUEVA: Commissioner  
22 Sinay, can I respond to that a little bit, please. One  
23 of the things to keep in mind about your staff is that  
24 these are limited term positions. In other words, last  
25 time, we hired and terminated operations in a year and a

1 half. So these are men and women who are taking a year  
2 and a half out of their life to spend probably 50, 60  
3 hours a week, at times. We worked across weekends from  
4 January 20 through July 3rd. Really, almost no one had a  
5 day off. July 4th was the first time that I was able to  
6 give everybody an entire weekend off.

7 So that's one of the things that we looked at too  
8 then. Not just in terms of compensation, but also in  
9 terms of the interviewing and hiring, but really a lot in  
10 the compensation, again, because you're giving up a lot  
11 and for a short amount of time. And when it's over, do  
12 you have a guarantee of where you're going to go?

13 So those are all things also to that we looked at in  
14 terms of benefits. So my recommendations, as you bring  
15 in an Executive Director, are going to be in line with  
16 those types of requirements and ways of approaching those  
17 different parts of HR, so that the staff that you have,  
18 make a good wage, and have something at the end.

19 CHAIR TURNER: Commissioner Fernandez?

20 COMMISSIONER FERNANDEZ: Raul, these positions will  
21 be headquartered in Sacramento, correct?

22 INTERIM ADMINISTRATOR VILLANUEVA: Predominantly,  
23 because here's your offices.

24 COMMISSIONER FERNANDEZ: Right. And so I just  
25 wanted to respond to Commissioners Sinay, that these are

1 the classifications that we use in Sacramento. I've  
2 hired for these classifications, and these are much  
3 higher than what I've ever hired -- well, these are  
4 higher positions than what some of the positions I have  
5 hire for. And I'll just as an example, for a staff  
6 services analyst, we just recruited for that, we had over  
7 a hundred applications.

8       And that's kind of the series that I went through  
9 from college all the way to where I am now. And it is a  
10 good turning wage. I was able to have my own home at the  
11 age of 21 on an SSA staff services analyst, which is one  
12 of the lower salaries -- wage. So I'm comfortable with  
13 that. I guess, I'm trying to make sure that you feel  
14 comfortable. And I completely understand that because  
15 yeah, I don't want someone you know, minimum wage,  
16 obviously, they can go below minimum wage, but I do want  
17 them to be able to be able to pay their rent and their  
18 food and hopefully go out once in a while. But I can  
19 assure you, having lived this my entire life it is --

20       INTERIM ADMINISTRATOR VILLANUEVA: Let me describe  
21 this to your regular staff. They'll learn besides their  
22 salary they'll have health benefits. They'll be able to  
23 participate in the state retirement system, even though  
24 that's only for a short time. They will get a vacation  
25 and sick leave as part of the package.



1           Again, you know, because of the uniqueness of the  
2 work that's required I think there should be a strong  
3 consideration in making sure that whoever applies and  
4 gets hired, they have an understanding of the package,  
5 that's part of their higher and that's part of their work  
6 with the Commission. Because it is unusually difficult  
7 work. Challenging.

8           CHAIR TURNER: Commissioner Yee. And then  
9 Commissioner Vasquez.

10           COMMISSIONER YEE: I'm thinking of public  
11 perception, and certainly to adopt a widely used,  
12 statewide, published, widely applied standard seems like  
13 a good idea to me. It would be the easiest one and  
14 safest one to represent to the public. So I'm all for  
15 this schedule.

16           CHAIR TURNER: Thank you, Commissioner Vanquez.

17           COMMISSIONER VAZQUEZ: I do agree with Commissioner  
18 Sinay's point. I would I would prefer to triple check,  
19 you know, someone like management services tech, that  
20 that is in fact a living wage. I think it's a statement  
21 of our values to ensure that everyone working for us is  
22 at minimum -- making a living wage for where they are  
23 located. Yeah, that's my preference.

24           CHAIR TURNER: Is that something, Counsel, you're  
25 able to just confirm for Sacramento area that things fall



1 within -- it seems like in a museum a things to check,  
2 but I'd just like to ask.

3 MS. JOHNSTON: I don't have any personal experience  
4 with that. Sorry.

5 CHAIR TURNER: I'm sorry. (Indiscernible).

6 INTERIM ADMINISTRATOR VILLANUEVA: Madam Chair, I  
7 would be able to do that. And the ranges are broad  
8 enough to where you could then use that as -- the living  
9 wage as your preferred minimum for hire --

10 CHAIR TURNER: Thank you.

11 INTERIM ADMINISTRATOR VILLANUEVA: -- within the  
12 point of a given range. I mean, I'd have to look at that  
13 and see what that really means. But I can certainly pull  
14 that information together for you.

15 CHAIR TURNER: Okay, thank you.

16 COMMISSIONER SINAY: I can send you the calculator  
17 that's been created nationally, to figure that out.

18 CHAIR TURNER: Thank you. Commissioner Ahmad and  
19 then Fornaciari.

20 COMMISSIONER AHMAD: I believe Fornaciari had his  
21 hand up before me.

22 COMMISSIONER FORNACIARI: So I was just looking at  
23 the MIT living wage calculator for Sacramento County.  
24 And it looks like for a single adult with one child for  
25 you know, the secretary, executive secretary ranges of

1 that living wage, the hourly rate falls within the annual  
2 rate.

3 CHAIR TURNER: Commissioner Ahmad.

4 COMMISSIONER AHMAD: I think I echo Commissioner  
5 Vasquez and Sinay's comments. I do think that the  
6 information that we have, and staff can provide about  
7 confirming the living wage and that distinction between  
8 minimum wage and living wage. Some of these ranges make  
9 me nervous because there's no way that I would be able to  
10 survive off of these ranges in the Bay Area. The rent is  
11 more than some of these ranges alone. So I would  
12 definitely second the idea of just making sure that we  
13 are fairly and equitably compensating ourselves.

14 INTERIM ADMINISTRATOR VILLANUEVA: I couldn't pay my  
15 house payment with what you folks pay for rent in the Bay  
16 Area.

17 COMMISSIONER AHMAD: House? What's that.

18 INTERIM ADMINISTRATOR VILLANUEVA: Exactly. You  
19 know, it really makes a difference though that it is here  
20 in Northern California, and it is here in Sacramento, and  
21 the different communities and that contribute to the  
22 workforce that comes into Sacramento. I myself, I live  
23 over 50 miles away. And my cost of living is less than  
24 here in Sacramento in many ways.

25 The only reason I mention that is I think it is

1 important to understand then how different it can be from  
2 say LA, Southern Cal, the Bay Area, and what a living  
3 wage would be required there.

4 CHAIR TURNER: Commissioners Sadhwani, Sinay, and  
5 Vasquez.

6 COMMISSIONER SADHWANI: I certainly share the  
7 concern, to ensure that we are paying a living wage. But  
8 at the same time, I also, you know, I hear also what  
9 Commissioner Yee and Commissioner Fernandez have said as  
10 well. That these are kind of our set standards for the  
11 state. And you know, and I think upholding them that  
12 could -- you know, we can make the case for that. I also  
13 this is just googling, I'm happy to share what I found.  
14 But through the city of Sacramento, the Office of the  
15 City Manager, and they released a memorandum, which is  
16 dated January 31st, 2020, specifically on this issue of  
17 2020 living wage rates. It seems to even have his  
18 initial on it and it's available online. And again, I'm  
19 happy to share it. It says that the -- and this is made  
20 with the assumption that these folks would be hired from  
21 Sacramento, from the City of Sacramento. If health  
22 benefits are provided, the living wage rate is 14.06 per  
23 hour. If health benefits are not provided, it's at least  
24 \$16.18 per hour. So we could perhaps calculate that if  
25 we wanted to. I'm guessing that that is about on par

1 with what was listed on the other piece. Again, I'm just  
2 finding this. So I'm happy to look at that more closely.  
3 But it seems that it's very generally aligned with the  
4 document that Raul has provided for us.

5 CHAIR TURNER: Thank you, Commissioner Sinay. It  
6 seems like what you're going to say too.

7 COMMISSIONER SINAY: I just wanted to make sure that  
8 we are in control of the staff. And in this day and age  
9 where we've learned that you can do a lot virtually, I  
10 wouldn't want anyone who's thinking of applying that  
11 doesn't live in Sacramento not to apply. That at this  
12 moment -- you know, I don't think we have discussed that.  
13 We've kind of turned to Raul for that. But that is our  
14 decision as a commission if everybody has to be located  
15 in Sacramento.

16 I would find it actually more interesting if we had  
17 staff in different parts of California because they -- to  
18 me, the staff ends up being an extension of the  
19 commission and understanding the region and the diversity  
20 of our state. And so I'm just sharing my bias, but I  
21 think we need to decide as a commission if they have to  
22 be located in Sacramento or not.

23 CHAIR TURNER: Commissioner -- go ahead -- Raul,  
24 before you respond, Commissioner Vasquez, was it you?

25 COMMISSIONER VAZQUEZ: Yes. I just wanted to say

1 that I am somewhat agnostic about location, although I do  
2 think Commissioner Sinay brings up an interesting point  
3 that I'd also be willing to consider. I personally am  
4 not asking for anything more than, you know, however long  
5 it would take staff to look up what Commissioner Sadhwani  
6 just looked up. And a yes or no, these are in the living  
7 wage. I don't think it needs to be -- for my -- from my  
8 own interests, I would I would just like to yes, these  
9 all fall in a living wage. And then I'd be happy to take  
10 a vote on this.

11 CHAIR TURNER: Raul?

12 INTERIM ADMINISTRATOR VILLANUEVA: I was just going  
13 to say. So let's talk about the function of staff in the  
14 commission and your Executive Director. Basically, the  
15 commission directs the Executive Director, and the  
16 Executive Director assigns the duties and  
17 responsibilities to accomplish what the commission is  
18 directed. To have it that the commission is directing  
19 the staff is fairly problematic because then you end up  
20 with 15 bosses for the one staff, and I think we've all  
21 experienced those situations where it creates a lot of  
22 unnecessary conflict and problems and communication and  
23 direction.

24 Another thing to consider is your staff are there  
25 for one primary purpose, and that is to accomplish what

1 you need on your behalf, operationally, so you don't have  
2 to worry about it. You do your work. What's your work?  
3 All things have to a drawing the lines. Your work isn't  
4 contracting, procurement, making sure office supplies are  
5 here, doing reservations on your behalf. That's what  
6 your staff do.

7       You don't do posting to your website, your staff do  
8 that for you. You have an idea. I want to know what's  
9 the best way to do this type of public outreach. Your  
10 staff then should be empowered to identify the different  
11 courses of action, get a cost analysis for you, let you  
12 know what it's going to take to do it, what kinds of  
13 resources so that you can then take that information and  
14 make your decision based on what we want, what's going to  
15 be the best way to do it. Another reason why it needs  
16 one funnel of communication.

17       But also another reason why, it's really important  
18 that that little organizational unit really needs to be  
19 in one place. I mean, it's nice to consider I'm going to  
20 have ten staff in ten different places. But could you  
21 imagine these folks haven't ever worked together, how am  
22 I going to know that my work has been done over here.  
23 How am I going to coordinate when I need to have my  
24 budgets, my contract, and my communication's folks, all  
25 sitting at that same table problem solving what you need

1 done as a commission. Yes, Zoom but I'm going to tell  
2 you, I've been trying to put your operations together  
3 since April. I've been doing it all by Zoom in by phone  
4 calls. I would not want to run my operations for your  
5 office and have ten staff in ten different places that I  
6 can't bring together when I need them at certain points.

7 That's creating challenges on top of challenges, and  
8 it's going to be challenging enough just with COVID and  
9 just with your work anyway. Just my two cents about  
10 trying to try and to gain regional representation, or  
11 regional information and staffing at the same time. To  
12 me, they're two very different things.

13 CHAIR TURNER: Thank you, Raul. Commissioner Sinay,  
14 and Commissioner Le Mons. You're good.

15 Okay, Commissioner Le Mons.

16 COMMISSIONER LE MONS: I just wanted to thank Raul.  
17 I think that what you just said is very sobering. And I  
18 respect that you have been doing this also you have you  
19 bring some experience to the table that I think is very  
20 valuable. And your counsel is greatly appreciated.  
21 Thank you.

22 INTERIM ADMINISTRATOR VILLANUEVA: Well, Thank you.

23 CHAIR TURNER: Thank you. We have a motion and a  
24 second on the floor. But I have a question about us  
25 taking public comment and then going to vote. The motion

1 had to do with whether or not we would accept this -- did  
2 we have a motion?

3 MS. JOHNSTON: Yes, we did.

4 CHAIR TURNER: Yeah. About whether or not we would  
5 accept it. About whether or not we would accept the  
6 salary range understanding that accepting the range does  
7 not set the salary. We still will have that double,  
8 triple, verified and it feels like we're all on the same  
9 page with wanting to ensure a living wage and based on  
10 what Commissioner Sadhwani and Sinay and Fernandez and  
11 other have said, it's certainly what we would want to set  
12 is within the parameters. And so to me, it does not  
13 preclude us to be able to move forward with just a vote  
14 on that.

15 The question I have is, is that for Raul, in this  
16 particular section, report on commission staffing, of  
17 course, you want general procedures and status decision  
18 on recruitment executive of those different positions.  
19 You also when you outlined it lifted up whether or not we  
20 would be accepting the same RFP or if indeed we were  
21 going to go a different direction. By us voting on this  
22 one -- opening up for public comment and voting on this  
23 one portion. Is that the right path to take or should we  
24 finish all of this before we open for public comment?

25 INTERIM ADMINISTRATOR VILLANUEVA: Good question,



1 Madam Chair. They're related, but not necessarily -- the  
2 decision on one will necessarily dictate the decision on  
3 the other. So if I may, if you -- if the Commission  
4 decides to accept that the exempt salary schedule that  
5 supports the salary schedule -- the salary ranges that  
6 were recruited. If you decided to go a totally different  
7 place than we might have to -- know better if you wanted  
8 to keep the recruitments, we might have to make some  
9 adjustments.

10 CHAIR TURNER: Right. I hear you. And can we vote  
11 on this without going to public comment on that one part  
12 of it since it's not the whole of section -- agenda 14  
13 item?

14 MS. JOHNSTON: You need to accept public comment  
15 before any vote.

16 CHAIR TURNER: Okay. Okay. So we have four  
17 minutes. We'll take -- Jeff, we'll take four minutes of  
18 public comment at this time.

19 AT&T AT&T OPERATOR: Of course, Madam Chair. We do  
20 have a question or comment from the line.

21 Eric Fisher, please go ahead and spell your name.

22 CHAIR TURNER: Eric, are you there?

23 AT&T AT&T OPERATOR: I show them talking. One  
24 moment.

25 CHAIR TURNER: Jeff, you're still checking, right?



1 Because we're not hearing anything.

2 AT&T AT&T OPERATOR: Correct. I do apologize for  
3 the delay. I'm trying to figure that out. I show he's  
4 open on the conference call on our end, but I don't know  
5 why he's not coming across over the Zoom meeting that we  
6 have going.

7 CHAIR TURNER: Jeff, what's your suggestion at this  
8 point?

9 AT&T AT&T OPERATOR: At this moment, I can --  
10 because I was asking one of my coworkers something, to  
11 talk to the comm line on your end. To my knowledge,  
12 everything has been done correctly on our end. So I can  
13 at least keep their line at the moment, on the other  
14 hand, so we can see at least until I get a couple more  
15 answers from the actual comm line for that. So I do  
16 apologize, Madam Chair.

17 MS. JOHNSTON: Are there any others waiting in line

18 AT&T AT&T OPERATOR: There are not, just Mr. Fisher.

19 CHAIR TURNER: Mr. Fisher, it by any chance, you can  
20 still hear us I'll ask that you call back at -- I'll ask  
21 that you call back perhaps a little bit later in the day.  
22 When we come back this go round, we will be coming back  
23 to a guest speaker for training and reviewing. And so  
24 this section will be broken up.

25 Commissioner Le Mons.



1           COMMISSIONER LE MONS: I just have a question, Madam  
2 Chair, you had mentioned earlier that when we came back  
3 from lunch, we're going to have general public comment.  
4 Is that still the case or are we doing something a little  
5 different?

6           CHAIR TURNER: Yeah, I'm trying to think that  
7 through. Thank you. I'm trying to think that through  
8 because we do have a scheduled speaker at 1:30. And I'm  
9 hopeful -- do you have a sense role is that -- if the  
10 speaker will be able to hold until we go to public  
11 comment to be able to honor what we stated. I know that  
12 you said that they had built in time for Q&A, so they may  
13 have a little bit of time but --

14           INTERIM ADMINISTRATOR VILLANUEVA: Right.

15           CHAIR TURNER: -- what's your thought on that?

16           INTERIM ADMINISTRATOR VILLANUEVA: The other  
17 consideration is you have the Legislative staff who are  
18 going to be coming in to do public comment to respond to  
19 the questions that commission had yesterday about how the  
20 appropriation was -- the amount of the appropriation was  
21 determined at 3:45. And so I would just consider that  
22 there is a cascading effect.

23           With the conflict of interest, which is what that  
24 topic is, I've asked all your speakers to make sure  
25 there's a really solid time for Q&A on behalf of the

1 commission. That's probably where you would be looking  
2 at cutting time out.

3 MS. JOHNSTON: We could put that over till tomorrow.

4 INTERIM ADMINISTRATOR VILLANUEVA: What?

5 CHAIR TURNER: Okay, so what we we'll do when we  
6 come back, is that we'll open for a short period of  
7 public comment, just in hopes that Mr. Fisher will be  
8 able to dial back in at 12:30. And then we'll move from  
9 there. Yes. One more thing.

10 COMMISSIONER FORNACIARI: At 1:30.

11 CHAIR TURNER: At 1:30. Thank you, at 1:30.  
12 Commissioner Vasquez?

13 COMMISSIONER VAZQUEZ: Not that was it, just 1:30.

14 CHAIR TURNER: Okay.

15 COMMISSIONER VAZQUEZ: Thank you.

16 CHAIR TURNER: Okay. So we're 12:31 now. Can we  
17 come back at 1:30?

18 INTERIM ADMINISTRATOR VILLANUEVA: Yes.

19 CHAIR TURNER: Okay. Alrighty. Thank you all.  
20 We'll recess until then for lunch.

21 (Whereupon, a recess was held from 12:31 p.m.  
22 until 1:30 p.m.)

23 CHAIR TURNER: Thank you all. Welcome back from  
24 lunch. We will resume our session for today. And we're  
25 going to start with public comment for a brief period of

1 time. And then we do have a speaker that's with us  
2 today. Welcome to you, Mr. Bush.

3 But at this time, AT&T operator, if you would let us  
4 know if we have anyone in queue waiting for public  
5 comment.

6 AT&T AT&T OPERATOR: We certainly do. First, we  
7 have to line up Eric Fisher.

8 CHAIR TURNER: Oh, thank you.

9 AT&T AT&T OPERATOR: If you'll please spell your  
10 name for the reporter. The line is open.

11 MR. FISHER: Yes, can you hear me?

12 CHAIR TURNER: Yes.

13 MR. FISHER: Can you hear me okay? This is Eric  
14 Fisher.

15 CHAIR TURNER: We can hear you. Thank you, sir.

16 MR. FISHER: Okay. Shall I start right in?

17 CHAIR TURNER: Please.

18 MR. FISHER: Yes. I appreciate this chance to speak  
19 to the commissioners. The focus of my comment and my  
20 questions has to do with not the administrative stuff  
21 that you guys are so diligently working through, but I  
22 want to get some assurance when you draw the lines that  
23 you follow the State Constitution as you know, article  
24 21(2)(d) has the desiderata of what you're -- what we'd  
25 like your finished product to be.

1           And of course number 1 is to comply with the U.S.  
2 Constitution. Number 2, is districts shall comply with  
3 the Federal Voting Rights Act. Number 3 districts shall  
4 be geographically continuous. Number 4, the geographic  
5 integrity of any city county, et cetera shall be  
6 respected to the extent possible. Number 5 has to do  
7 with the compactness. And number 6 is the desire where  
8 it's practical to construct Senate districts out of two  
9 complete, adjacent assembly districts, which is the way  
10 it was since the '60s when the number of Senate senators  
11 was changed.

12           I'm frustrated because in the last go around in  
13 2011, there were so many exceptions to this. So my first  
14 question is, will the commissioners review these -- what  
15 amounts to anti-gerrymandering suggestions? And will  
16 they commit to doing that? I am very frustrated because  
17 the last go around, I happen to live in the City of  
18 Torrance, and the City of Torrance was split for the  
19 Assembly District and split for the Congressional  
20 District. And I saw no excuse for that. I noticed some  
21 other things like what's that craziness up around  
22 Bakersfield where if you draw a line east to west you go  
23 in and out of the -- from the thirty-second Assembly  
24 District and thirty-fourth and back to thirty-second and  
25 back to thirty-fourth, it's like a pinwheel. And I see

1 that in the congressional district that they are now -- I  
2 don't live up there, I live in Torrance. So the way it  
3 affects me is my city is divided. And that's number 4  
4 here. So you can hear the frustration in my voice that  
5 I've had for ten years.

6 And when they published the maps, I couldn't find  
7 anywhere to find what their excuse was, what their  
8 reasoning, what their rationale was for not following  
9 number 6, for violating number 4. And if you look  
10 objectively at the maps basically from a topological  
11 viewpoint, ignoring politics, ignoring everything else,  
12 they were -- while they were contiguous barely, they were  
13 certainly not as compact as they could be.

14 I mean, at one level, if you compare the length of  
15 the border to the area inside -- you have some issues.  
16 You can't make these that compact, but you should make  
17 them as compact as possible. And so having one district  
18 that stretches all the way from Topanga down to Long  
19 Beach really violates the spirit of the state's  
20 constitution.

21 CHAIR TURNER: Okay.

22 MR. FISHER: So I'd like to have the commissioners  
23 consider to the best of their ability to follow the State  
24 constitution in this regard. Because when you have  
25 compact districts and you have contiguous districts, when

1 you respect political borders -- political in the sense  
2 that city and county and so forth -- at some point, of  
3 course, you have to break up something like the City of  
4 L.A. But you certainly don't have to break up the City  
5 of Torrance. We have 144, maybe 150,000, in population.  
6 We should -- whether you argue that we're a community of  
7 interest or whatever, we shouldn't be divided. Thank  
8 you.

9 CHAIR TURNER: Mr. Fisher. I thank you. Thank you  
10 for calling back in with the difficulty we had earlier,  
11 and thank you for your comments. I appreciate your  
12 sharing that today. Thank you.

13 MR. FISHER: You're very gracious. I appreciate it.  
14 Bye-bye.

15 CHAIR TURNER: Um-hum. Good-bye.

16 Do we have anyone else in queue for public comment?

17 AT&T AT&T OPERATOR: We do. We have one from  
18 Alejandra Ponce de Leon.

19 Please spell your name.

20 MS. PONCE DE LEON: Good afternoon, commissioners.  
21 My name is Alejandra Ponce de Leon, A-L-E-J-A-N-D-R-A  
22 P-O-N-C-E D-E L-E-O-N with the Advancement Project  
23 calling on behalf of the Redistricting Alliance. Now, as  
24 a fully established commission, you are ready to engage  
25 in the planning and preparation for the redistricting





1 process. Most importantly, you're ready to develop the  
2 team and staff support you will need to advance every  
3 element of your work.

4 While we recognize the auditor's intent to help the  
5 CRC hit the ground running by developing and posting the  
6 job announcement for the CRC's Executive Director, Legal  
7 Counsel and Communications Director, and related to this  
8 the RFP for a demographer, we believe it was done  
9 prematurely before the commissioners were seated and thus  
10 absent of your input, vision, and direction.

11 Therefore, we recommend that you review the current  
12 job announcement and the RFP and repost based on your  
13 collective assessment of the needs you have for the  
14 current redistricting process after receiving all the  
15 requisite training. It is in your hands to establish the  
16 community outreach and engagement process and the  
17 timeline under which it will take place. And  
18 consequently, identifying your staffing and contracting  
19 priorities and needs to move that work forward.  
20 Therefore, we urge you to take full ownership of the  
21 process to develop your team. Thank you.

22 CHAIR TURNER: Thank you, Ms. De Leon. We  
23 appreciate your engagement.

24 Next in queue, please.

25 AT&T AT&T OPERATOR: There are currently no others



1 in the queue at this time, Madam Chair.

2 CHAIR TURNER: Okay. Thank you, sir.

3 Okay. So at this point, what we'll do is to go to  
4 our -- we have a speaker from Legislative staff in  
5 regards to budget appropriations. Staff, would you want  
6 to introduce the speaker or have any other words before  
7 we move?

8 INTERIM ADMINISTRATOR VILLANUEVA: Madam Chair, I  
9 think they're scheduled at 3:45.

10 CHAIR TURNER: Okay.

11 INTERIM ADMINISTRATOR VILLANUEVA: To allow time for  
12 the presentation first.

13 CHAIR TURNER: Okay. Oh, I'm sorry. We have the  
14 relation -- the conflict of interest --

15 MS. JOHNSTON: Communities of interest.

16 CHAIR TURNER: -- with Mr. Dale Johnson.

17 Communities of Interest, right.

18 Okay. Thank you. I'll skip the line.

19 Thank you, Mr. Johnson and Mr. Bush, we're ready for  
20 your presentation at this time.

21 DR. JOHNSON: Thank you.

22 DR. BUSCH: All right. Thank you.

23 Doug, are you handling the PowerPoint?

24 DR. JOHNSON: Yes, I will share that now.

25 DR. BUSCH: Okay, great.

1           So I'll just give a brief introduction. My name is  
2 Andrew Busch and I'm the Crown Professor of government  
3 and Georgia Roberts fellow at Claremont McKenna College.  
4 I'm here in my capacity as director of the Rose Institute  
5 of State and Local Government. And joining me today is  
6 Dr. Douglas Johnson, who's president of National  
7 Demographics Corporation and also is a research affiliate  
8 the Rose Institute. I believe that Doug is going to tell  
9 you a little bit more about himself when he gets to his  
10 part of the presentation in a few minutes. Otherwise, we  
11 have included biographies in the handouts for today, so  
12 I'll direct you to those for any further details.

13           We've been invited here to discuss with you the  
14 subject of communities of interest. So it is not a  
15 conflict of interest. Often there is conflict about  
16 communities of interest.

17           So you weren't too far off, Madam Chair on that.

18           But we're here to talk about what are those, what  
19 are our communities of interest? How has the concept  
20 developed over time? What are some of the challenges  
21 that you may face as commissioners? And what strategies  
22 might you think about as you apply this concept in your  
23 work going forward?

24           In 2011, communities of interest were really the  
25 prime focus of public input. In fact, this was so much

1 the case that there was an abbreviation developed to make  
2 it easier to talk about them, C-O-I, or COI. There was  
3 one reporter who commented that that term was thrown  
4 around so often in the commission's deliberations that it  
5 sounded like they were in a fish market. But this is  
6 likely to be the case again. So you have to be ready. I  
7 would imagine that most of the commentary you're going to  
8 get, it will be along the lines of our first caller today  
9 who was concerned because his community was split, his  
10 city was split. Cities or pre-existing political  
11 boundaries are not the only way of conceiving a  
12 community's interest, but they are they are one way and  
13 they're quite an old -- a traditional way of looking at  
14 that.

15       So just to put this this subject of communities of  
16 interest in a broader historical context, I'll just  
17 mention that if you look at information that's provided  
18 by the National Conference of State Legislatures, you may  
19 have already seen this, or perhaps not, but they have a  
20 listing of six different criteria that are traditional  
21 criteria going way back, many of them, into the 1800s  
22 that have been thought of at varying times legitimate  
23 criteria for redistricting.

24       And I'll just read off quickly what those six were  
25 that the National Conference of State Legislatures

1 identified. And then I'll tell you how they fit in  
2 briefly to the picture in California. So they identified  
3 the six traditional criteria outside of the  
4 Constitutional and voting rights criteria that were added  
5 in 1960's, compactness, contiguity, adhering to pre-  
6 existing political subdivisions, preserving communities  
7 of interest, preserving the core of previous districts,  
8 and protecting incumbents.

9 Now, as you probably know, that last one is actually  
10 prohibited by the California State Constitution. So that  
11 one may be a traditional criteria in the country at  
12 large, at least in an unspoken kind of way, but it's not  
13 one of your criteria and in fact cannot be.

14 Of the others, as the first caller, Mr. Fisher  
15 pointed out, he was actually kind of reading from the  
16 Constitution, contiguity is first. But communities of  
17 interest are second. That is to say, after the obvious  
18 priorities of Constitutional requirements and federal  
19 legal requirements. So contiguity was first.

20 Communities of interest was second. And it's  
21 discussed in a way that actually combines a couple of the  
22 NCF's traditional standards, that is the term communities  
23 of interest, but also pre-existing political boundaries.  
24 And the third in priority, as Mr. Fisher pointed out, was  
25 compactness. So communities of interest are a crucial

1 criteria for you operating under the California  
2 Constitution. But they're also a very long lasting  
3 traditional criteria for redistricting.

4       Okay. So going on to the next slide, it turns out  
5 that the history of the Rose Institute as an institute  
6 it's intertwined really with the development of the  
7 concept of communities of interest as it has occurred in  
8 California. So I just want to take a quick moment to  
9 describe the Rose Institute. It has a mission, which was  
10 also included in your packet, but the summary of the  
11 mission is to enhance the education of students Claremont  
12 McKenna College, produce high quality research, and to  
13 promote public understanding on issues of state and local  
14 government politics, policy with an emphasis on  
15 California.

16       So that's the mission of the Rose Institute. We're  
17 an undergraduate student-led research institute at  
18 Claremont McKenna College founded in 1973. And  
19 initially, redistricting really was the, in a sense,  
20 almost the sole focus of the institute. We were  
21 something of a trailblazer in the 1970s and 80s in the  
22 use of computer technology for redistricting.

23       Over time, we have expanded our areas of concern.  
24 We do work in fiscal analysis. We have a particular  
25 focus on the Inland Empire region. We produce a Southern

1 California Almanac online. We produce videos, call them  
2 our video voter series, with short videos explaining  
3 ballot initiatives. We keep a database on initiatives  
4 that have been passed around the Country. We've even  
5 been given an award for excellence in public service.  
6 We've been doing that for over a decade. I think our  
7 last recipient was Yaroslavsky from Los Angeles. So  
8 that's just a little bit about the Rose Institute.

9       How have we been connected with communities of  
10 interest? And how have the -- how has the idea of  
11 communities of interest developed in California? The  
12 first step really was in 1980 in the passage of  
13 Proposition 6, which was sponsored really by a coalition  
14 of the Rose Institute and the League of Women Voters.  
15 And it was really the first hint of communities of  
16 interest in the California environment, right, in a  
17 legal, formal way.

18       And you can see to the right the text of Proposition  
19 8 (sic). Some of it will -- in fact, all of it will seem  
20 rather familiar because it's also been incorporated into  
21 the more recent work on this. But the key point for your  
22 purposes in terms of communities of interest would be  
23 Subsection (e) stating that the geographical integrity of  
24 any city, county, or city and county, or any geographical  
25 region shall be respected to the extent that it's

1 possible to do that without violating the other sections  
2 that are in the proposition. It passed. But  
3 unfortunately, it didn't really work that well.

4 In fact, the very next redistricting is widely  
5 judged to have been most partisan redistricting in  
6 history. Phil Burton, who was kind of the major player  
7 behind that once called the map from that redistricting  
8 "my contribution to modern art". And it wound up being  
9 overturned, thrown out by the voters in Propositions 10,  
10 11, and 12, where basically the voters said that this is  
11 just too biased of a map despite Proposition 6. So it  
12 doesn't help that much to have the rule if the people who  
13 are making the maps aren't inclined to actually follow  
14 it.

15 After this, we can see more efforts at community-  
16 focused reform. There were three years in which there  
17 were propositions offered and a total of four  
18 propositions, all of which tried to get at the same issue  
19 of protecting at least some conception of communities of  
20 interest. Proposition 14 would have said no common  
21 county boundaries be crossed more than once and give you  
22 the minimized division of cities, counties, and regions.  
23 Proposition 39, also again, the Rose Institute joined  
24 with some good government groups to sponsor this. Also  
25 no crossing county boundaries more than once.



1           In 1990 a couple of initiatives were proposed in  
2 this vein. All of them would also have created a  
3 commission such as the one that you are now sitting on.  
4 But all of these, all four of these, wound up losing in  
5 the votes. So they didn't take effect.

6           The complication of the -- or complexity of this  
7 issue is summarized pretty nicely in this court case,  
8 Scott v. DOJ, which came out in 1986. You can see why --  
9 it's been hard to get our finger on this and really,  
10 really define it well. It took many, many years to get  
11 to that point.

12           And just quoting from this court case, "Describing  
13 the notion of community is a stubborn problem.  
14 Cohesiveness in a community might arise from numerous  
15 sources, including geography, history, tradition,  
16 religion, race, ethnicity, economics, and every other  
17 conceivable combination of chance, circumstance, time,  
18 and place". Ultimately, however, a community is exactly  
19 what a community believes itself to be. So not an easy  
20 concept to wrap around.

21           Another version of this you can was part of the  
22 thinking in 1973 and in 1991. Both of those instances  
23 featured a situation where ultimately a map had to be  
24 drawn by a special master through the courts. The  
25 regular legislative process ultimately did not produce.

1 And so the Special Master's approach, Paul McKaskle, was  
2 to divide the State into regions, northern, southern  
3 California, coastal, and interior, and Northern  
4 California.

5 And he was able to do this using whole counties.  
6 And then the goal was to at least try to keep districts  
7 within their region, right, to keep from crossing  
8 regional boundaries. So that was an interesting way of  
9 thinking about this. But it was a much broader sort of  
10 conception than you all probably will be exposed to  
11 through this process.

12 Also, the Rose Institute, you may not be able to see  
13 the whole slide -- I don't know if I can move this.  
14 Maybe -- there. So recently the Rose Institute actually  
15 did an analysis also of districting issues and put  
16 counties into several regions, more than three. You can  
17 see. Most counties fit pretty neatly into a region,  
18 although there were a few swing counties that could  
19 plausibly be considered part of more than one region.

20 Okay? Finally, then there wound up being greater  
21 success at the ballot box in 2008. Proposition 11  
22 passed, which created this Commission and tasked it with  
23 the job of drawing districts particularly for State  
24 legislative, State assembly, and State Senate districts.  
25 And this was the result of a large coalition organized by

1 Kathay Feng as Executive Director of Common Cause. The  
2 Rose Institute was part of it. There were many others.  
3 There was major support from Governor Schwarzenegger.  
4 And there was a kind of agreement reached -- coalition  
5 that kind of reached agreement also with Nancy Pelosi to  
6 be sort of neutral in this process in the debate over  
7 this.

8         So it wound up passing narrowly in 2010.  
9 Congressional redistricting was added to this. And this  
10 is where you get the language that Mr. Fisher was quoting  
11 from and that you can find in Article 21 of the  
12 Constitution. And the key point here is that the  
13 geographic integrity of any city, county, city and  
14 county, local neighborhood, or local community of  
15 interest shall be respected in a manner that minimizes  
16 their division, to the extent possible, without violating  
17 requirements of the preceding subdivisions, which were  
18 basically the Constitution as interpreted by the Supreme  
19 Court, federal voting rights laws, and contiguity.

20         And then it goes on to say, "Community of interest  
21 is a contiguous population which shares common social and  
22 economic interests that should be included within a  
23 single district for purposes of its effective and fair  
24 representation". Then it goes on to give some examples  
25 of shared interests, possibly common to an urban area,

1 rural area, industrial area, or an agricultural area.  
2 Those common to areas in which people share similar  
3 living standards, use the same transportation facilities,  
4 have similar work opportunities, or have access to the  
5 same media communication relevant to the election  
6 process.

7 Communities of interest also are defined negatively,  
8 by the California Constitution now. They shall not  
9 include -- the conception of them shall not include  
10 relationships with political parties, incumbents, or  
11 political candidates. So those things you have to kind  
12 of set off to the side and not consider. But there are a  
13 good set of at least examples of the types of things that  
14 would constitute a community of interest.

15 Okay? So that's a kind of introduction to the  
16 topic. And I'm going to hand things off to Dr. Johnson,  
17 who will continue in some greater depth.

18 DR. JOHNSON: Thank you, Professor Busch.

19 And thank you to the commissioners for having us.  
20 It's a pleasure and an honor to be speaking to you today.  
21 As Professor Bush mentioned, I'm a research affiliate  
22 with the Rose Institute. My connection is to -- actually  
23 goes back as an undergraduate. I worked at the Institute  
24 and was actually student manager back in the time of the  
25 1991 redistricting, so it's a place that I've spent a lot

1 of time in and it's close to my heart.

2 I would add, just for your information, on the  
3 consulting side, outside of the Institute work, I've done  
4 contract work with over 200 California cities and school  
5 districts and special districts and counties helping them  
6 draw their lines. And I was also the tango consultant to  
7 the Arizona 2001 Commission, which takes great pride in  
8 pointing out it's the only independent commission so far  
9 that came up with a unanimous vote in approval of their  
10 congressional map.

11 And that map, then, immediately increased the number  
12 of Latinos in office in Arizona. And it performed  
13 perfectly over the course of the decade, as we had  
14 Republican and Democratic surges, the seats moved from  
15 Republicans to Democrat. So in the benefit of hindsight,  
16 it worked out very well. And most of all, it was the  
17 only commission to be unanimous. So we're always proud  
18 of that work.

19 And in that communities of interest, as I'm sure  
20 will be with you, was a huge topic. And as you somewhat  
21 heard in the definitions earlier in the legal language,  
22 there are many ways to define a community of interest.  
23 It could be, as the caller pointed out, legal boundaries,  
24 meaning cities, counties, other legal entities. It could  
25 also be other official boundaries, as we'll talk about in



1 a moment.

2 A lot of cities have already defined neighborhoods  
3 in their boundaries. Of course, as you just heard from  
4 the definition, there's lots of data that can be used.  
5 And this has come a long ways from ten years ago. So  
6 there's -- there's a great deal of data that's very  
7 easily reviewed and access, and I'll talk about that.

8 And then, of course, testimony. The testimony from  
9 the residents. As that Scott v. DOJ case pointed out,  
10 ultimately the definition of a neighborhood, it was -- is  
11 whatever the people in that neighborhood say is a  
12 neighborhood.

13 But we had a fascinating project a couple years ago  
14 by the LA Times. They went around LA and they asked  
15 people, what is your neighborhood and what are the  
16 boundaries of it? And they drew these maps that  
17 highlighted in the inner part. 95 percent of people all  
18 highlighted, for example, West Adams as a neighborhood.  
19 And they -- ninety-five percent of respondents said this  
20 area was in West Adams. And then, fifty percent of  
21 people in the lar -- a larger circle as being, for  
22 example, West Adams. And then, ten percent of people  
23 had -- had each neighborhood going out as far as this,  
24 and it was a fascinating look at how people with very  
25 legitimate claims to being residents and -- and experts



1 on their neighborhood could disagree about the -- exactly  
2 where those borders fall.

3 And that really is going to be your job, is taking  
4 all this testimony and figuring out which makes the most  
5 sense and how do you balance the different pieces of  
6 testimony against each other. And hopefully, this  
7 presentation will -- will give you some tools and  
8 guidance on how to do that.

9 As I just mentioned, the definitions can vary, and  
10 they can vary for very important policy driven reasons.  
11 Keep in mind that ultimately communities of interest that  
12 we're focused on for election bodies -- or elected bodies  
13 are most important for the issues that those elected  
14 bodies rule on. For example, when we were in Arizona,  
15 Arizona water rules are set very much by the state -- by  
16 the State Legislature. And so for the Legislative map,  
17 water was a top issue.

18 And you can see on the right -- this is a county  
19 called Yavapai County. And the red area circled is Verde  
20 Valley. Some people may have visited it. It's a big  
21 tourist area just west of Sonoma. And then -- but the  
22 county population is dominated by Prescott. That's where  
23 well over half the people live in the City of Prescott  
24 and Prescott Valley. And so they have all the power.  
25 When the county is one district, the Legislature is going

1 to have to follow the goals of Prescott and Prescott  
2 Valley.

3 And so Verde Valley identified themselves as a  
4 community that wanted a different representative. So  
5 two -- they identified themselves on the issue of water  
6 as a very separate community, even though they're in the  
7 same county.

8 On the same note, in Arizona -- and I'll come back  
9 to this in a little bit -- there are really big tribal  
10 reservations. The Navajo have a hundred thousand people  
11 in their reservation in Arizona alone. There are many  
12 other reservations with hundreds and thousands of  
13 residents in there. Tribal issues tend to be  
14 congressional, not driven by the Legislature. And so  
15 they were much more interested in the congressional map.

16 Same thing at a much smaller level. When we're  
17 working with school districts, school attendance zones  
18 tend to be the issue that everyone talks about and how  
19 those should be drawn up into election areas. But when  
20 you get up to the city council or even the county and  
21 state levels, those attendance zones become much less of  
22 an issue because they're really focused on school board  
23 specific issues.

24 So the definitions and the relevance to your  
25 decisions can vary depending on which map you're talking



1 about.

2       There's also a big challenge, even when you have  
3 agreement on communities of how do we put these  
4 communities together into districts. The key thing to  
5 keep in your mind is the communities of interest you're  
6 looking for are really building blocks. You're going to  
7 take all these different building blocks and stack them  
8 into a set of different districts.

9       So for example, up in northern LA County, we have  
10 the Cities of Lancaster and Palmdale. You can see them  
11 here. They're both oddly shaped, which we'll talk about  
12 later. But they're kind of off by their own. They're in  
13 what's called the Antelope Valley. And so the question  
14 becomes, how do we draw districts around here? We can  
15 obviously look at the city borders, but then what do we  
16 do with the vacant space around here?

17       Ten years ago they really just left it up to  
18 testimony, and that led to hundreds of people coming in  
19 to try to guide that. But nowadays, we have much easier  
20 access to a lot more data. For example, as you may know,  
21 every county in California has what's called LAFCO, the  
22 Local Agency Formation Commission. It's responsible for  
23 approving annexations. Most of what they do is actually  
24 sewer related and things like that. But one of their  
25 jobs is to identify both incorporated cities and what's



1 called a sphere of influence. So this -- in reality in  
2 California, every city has both its incorporated area and  
3 an official LAFCO defined sphere of influence where the  
4 city is actually responsible for most planning decisions.

5 So with that data, we can start to fill in this  
6 puzzle. Put more building blocks together. You can see  
7 the City of Lancaster, and then the blue areas, its  
8 sphere of influence. You can see the City of Palmdale  
9 and the light green areas, its sphere of influence. So  
10 suddenly you're getting more building blocks to work  
11 with.

12 And then, we have more data from the Census Bureau,  
13 again, getting back to the unofficial neighborhoods. The  
14 Census Bureau goes out in the -- in the unincorporated  
15 areas and tries to identify what they call census  
16 designated places. You'll hear this -- kind of like  
17 communities of interest become COI, census designated  
18 places will become CDPs because people refer to them very  
19 often. And the Census Bureau tabulates population  
20 numbers and all that for each of these areas, and they're  
21 really looking to identify on a very rough unofficial  
22 basis your unincorporated neighborhoods and your  
23 unincorporated communities.

24 So that, again, gives you a lot more building blocks  
25 and pieces that you can use if you pull all this data



1 together and -- and look at as essentially picking up  
2 your Legos that you're going to build into a nice  
3 construction of districts. But you have all these pieces  
4 to help you work even before you start getting testimony.

5       These things also help when you get testimony. One  
6 of the biggest challenges in my job when I go to  
7 different jurisdictions is people will say, I live in the  
8 Maple Park neighborhood. Well, you know, where exactly  
9 is that Maple Park neighborhood? You know, you can ask.  
10 Some people may disagree, as I talked about with the LA  
11 Times project, but there are sources for data that can  
12 help you identify that. So in the rural areas or the  
13 unincorporated areas, you have your spheres of influence  
14 and your census studies and census designated places.

15       The other big advantage you have over ten years  
16 ago -- oops, I skipped a slide -- is that almost every  
17 midsize and large city in California has now semi-  
18 officially or official recognized neighborhoods. Some of  
19 these are legal entities for business improvement  
20 districts. Master plan communities, those kinds of  
21 special planning zones. Others are unofficial.

22       You can see this map on -- that San Francisco has  
23 provided. They went through a big community outreach  
24 process of identifying and -- and agreeing on where these  
25 borders made the most sense. And so these will be --



1 help you as you go into the cities, that as you realize,  
2 many cities are so large they have to be divided, you  
3 don't have to go in blind and randomly draw those lines.  
4 You can follow already identified communities in each of  
5 these cities and -- and use that as a base to -- to check  
6 your community testimony with and to fill in areas where  
7 you don't have community testimony.

8 LA -- the City of LA has also done this, but of  
9 course, as we'll talk about later on, the City of LA's  
10 map does not match the LA Times map for the City of LA.  
11 So it -- it does provide challenges and -- and  
12 opportunities for you. And now we're seeing more and  
13 more of these.

14 Most of you are probably familiar with Nextdoor, the  
15 neighborhood discussions. They actually have mapped out  
16 every urban area in -- in California. I think in the  
17 whole country now. Neighborhood by neighborhood. You  
18 can actually get that Nextdoor map and overlay that to  
19 give you more building blocks you can look at.

20 And keep in mind, these maps are -- and these data  
21 are fantastic resources. And there are things that you  
22 can use to check with public testimony. So obviously,  
23 these unofficial maps, people are going to agree with  
24 them and people are going to disagree with them. They'll  
25 say, no, no, our border goes over one more block, or that

1 kind of thing. But this gives you a way to focus the  
2 testimony and -- and to give you real blocks that you can  
3 work from and to check their testimony.

4       There's also, as -- as Professor Busch is  
5 mentioning, your much larger regions. These are what  
6 the -- the Special Masters in 1973 and 1991 focused on.  
7 We're saying, let's make this easier for people. Let's  
8 break the state up into regions. And then people really  
9 only have to focus on their own region. You know,  
10 someone in San Joaquin County may not want to deal with  
11 trying to draw a map in San Diego. Well, if you can tell  
12 them, our region is this, then they can just focus on  
13 drawing the maps in that region, knowing that the rest of  
14 the state will be dealt with the residents from other  
15 areas.

16       There are lots of options related to these maps.  
17 You saw the description from the Special Masters or how  
18 they did it. You also saw from Professor Busch that Rose  
19 Institute regional map that we used for our redistricting  
20 related analysis. Here's a map of an agricultural  
21 regions map that may be useful. So you have lots of  
22 different resources that you can use.

23       And you'll probably need to put multiple resources  
24 together before you can figure out which regions actually  
25 can be self-contained on a population basis. Because

1 that was the beauty for the Special Masters. Because  
2 even at the congressional level, where you have  
3 essentially no population variance to play with, they  
4 could stop at a county border and divide the state into  
5 two halves and still hit that perfect population balance  
6 in each half.

7 But as -- as noted on the left here, you can see  
8 there -- there are rural versus urban areas. There's  
9 agricultural regions, coastal communities, transportation  
10 corridors. You know, job to residential connections.  
11 This is the big thing in -- in particular in San Joaquin  
12 County, it historically has been Central Valley and  
13 agricultural. Well, now a huge portion of San Joaquin's  
14 population is actually commuters, who drive into the Bay  
15 area. So that job residential connection is becoming  
16 more and more extensive in California.

17 And the media markets. This is something that  
18 actually had been studied very little in the  
19 redistricting world until 2001. 2001, you may recall,  
20 was the ultimate incumbent protection gerrymander in  
21 California. In fifty-three congressional districts, five  
22 election cycles, only one incumbent lost. Out of 265  
23 elections, only one incumbent lost, and a big piece of  
24 that was, number 1, it was bipartisan, so all the  
25 incumbents on both parties got to protect themselves.



1 And number 2, they intentionally stretched districts out  
2 of media markets.

3       If you think of the poor LA Times, trying to cover  
4 congressional elections. Well, they naturally have  
5 seventeen congressional districts in the county, and then  
6 when you stretch out these seats, they ended up with over  
7 twenty districts. There was just no way for the media to  
8 cover those races, which meant the only thing people  
9 heard from was mail and TV. And the incumbents always  
10 have an advantage when you take the -- take the media out  
11 of being able to -- to provide information to the voters.  
12 So these are all things you can consider as you're  
13 looking at your regions and looking at communities.

14       But you have to be careful too. Maps can be  
15 deceiving. And -- and so this is where your geographic  
16 diversity and you're getting input from residents play  
17 in. If you look at the top map, this is out in Riverside  
18 County. You may notice Palm Springs there in the middle,  
19 and then over to the west of it is Hemet, and down a  
20 little bit is Idyllwild. These all look like fairly  
21 close together areas, but you have to keep in mind the  
22 reality on the ground, which is the map below. This is a  
23 topographical map of the same area. So you can see Palm  
24 Springs and -- and the road pattern in Palm Springs. And  
25 then you can see Hemet, hopefully, over to the west. And

1 in between you see this big mountain range, where  
2 Idyllwild is up in the -- in the tops of the mountains.  
3 My -- my kids' school went on a bus trip to Idyllwild,  
4 and they all had to have antinausea medicine because the  
5 drive up to Idyllwild is such a curvy, crazy mountain  
6 road. And so this reality is vital, as you -- as you  
7 gather your data and put it in the sense.

8 Hemet, Moreno Valley, San Jacinto, those areas to  
9 the west of the mountains are clearly one geographic  
10 community. Palm Springs and the Coachella Valley are  
11 clearly another. And as Professor Busch mentioned  
12 earlier about the swing counties, Idyllwild is really a  
13 swing community. It -- it's kind of isolated from either  
14 side, which means you can put it in whichever district  
15 you need to on either side. It fits into both sides  
16 equally though.

17 So always keep in mind when you look at maps that  
18 you see on a screen, like a dot map, does this map  
19 reflect reality, or is it deceiving because it's missing,  
20 you know, a giant mountain range? So that's kind of a  
21 factual data thing you can keep in mind.

22 And then there are simply policy decisions. There's  
23 no right or wrong answer about these things. But for  
24 example, I -- I've got examples here of the Central  
25 Valley. But this is true everywhere. Is the Central



1 Valley all one region? Is it a north and south two  
2 regions? Is it more? You can see maps here from  
3 different sources, agricultural sources, water sources.  
4 The watershed in the bottom right, it's all one giant  
5 consideration. But then they also break it down by the  
6 north and south San Joaquin Rivers, other factors. So  
7 this becomes a key question as you're looking at region  
8 by region. And it also lets you define the big region,  
9 that someone as a Special Masters did, and then give you  
10 ways to break that down as you look at in drawing  
11 individual districts. But you'll find this in -- in the  
12 Central Valley. You find it as the Special Masters noted  
13 up north. Is far north California one region, or is the  
14 coast one region and the inland area a separate region?  
15 These are the policy challenges you'll face. And again,  
16 there's no right or wrong decision. You may come to  
17 consensus on how to approach it. And you know, for  
18 example, hold a vote. Or you can kind of say, well,  
19 these are -- for example, up north, it could be one -- it  
20 could be valid to keep the whole far north together, or  
21 to divide it. And then you just wait and see what fits  
22 in best with the rest of the map. So you don't always  
23 have to make absolute decisions -- and Profession Busch  
24 will come back to this later on -- area by area, because  
25 keep in mind, every decision you make will ripple through

1 the map.

2 And again, there's lots and lots of data. I've  
3 shown you kind of geographic data and neighborhood data.  
4 Of course, there is a ton of socioeconomic data you can  
5 rely on. We intentionally are not getting into the  
6 Voting Rights Act in this presentation. You've got  
7 another presentation. You've got another presentation on  
8 that, I believe. But of course, data and the community  
9 definitions is vital to your Voting Rights Act analysis.

10 But it's also useful in other respects, even when  
11 you're not complying with the requirement of the Voting  
12 Rights Act. For example, in San Diego, you get an  
13 interesting split of heavily Latino neighborhoods. The  
14 map in the top right where it shows naturalized rates --  
15 naturalization rates. Some neighborhoods in -- in the  
16 cities in northern San Diego County are, you know,  
17 longtime Latino neighborhoods. Going back to, you know,  
18 Spanish and Mexican days. Everyone there is a citizen.  
19 Other neighborhoods are more heavily immigrant areas. So  
20 you can really look at the differences, and  
21 naturalization rates are one way of showing you the  
22 differences in those communities because they reflect  
23 longstanding policies, housing decisions, and things like  
24 that, that may or may not be a factor that you want to  
25 consider as you're drawing lines in that area.



1 But you can see, there's Vista, there's San Marcos,  
2 there's Escondido. Each one of these cities has a  
3 heavily Latino traditional neighborhood, where almost  
4 everyone is citizens, or where people have become  
5 citizens, moved up the economic ladder and moved into  
6 those areas. And each one of these cities also has the  
7 blue areas you see that are much more recent arrivals,  
8 folks that have not been here long enough to be  
9 naturalized and to go through the citizenship process.  
10 So that's one pool of data.

11 And you can get all kinds of data. You can get  
12 language spoken at home. You can get education levels.  
13 You can have a percentage of children in households.  
14 This becomes big in schools for us when school districts  
15 are always worried about a trustee being elected from an  
16 area that, for example, is a senior retirement community.  
17 Where the people don't have any kids. And so the -- the  
18 school board's always worried that they may not be  
19 supportive of funding efforts and things like that.

20 So all kinds of data is available. Very easily  
21 available. And we make use of it with our, you know,  
22 smallest school districts. So obviously, you will have  
23 it and make use of it in working with the state.

24 Another example is -- on the left here, which is the  
25 Santa Clara, Sunnyvale, northern Santa Clara County area,

1 and I drew in that blue line, which is roughly the 101  
2 Freeway, and you can really see with the yellow and red  
3 and green areas clustered around that blue line how  
4 the -- the renters are clustered along the freeway. And  
5 it really gives you a sense of community -- of community  
6 of interest, which is here's the renters on both sides of  
7 the freeway.

8       So maybe you want to use the freeway. It's a nice  
9 clear district border, or maybe you don't because both  
10 sides of the freeway may be a community of interest. And  
11 this is, again, one of those places where there's no  
12 right or wrong answer. This is where you have data that  
13 you can then show to the community and get feedback in  
14 the testimony on what the -- what the people live there  
15 think makes sense for them.

16       Then we get to the issue of splits. Inevitably,  
17 because the population requirements are so strict, and  
18 because some cities are just so big, you will have to  
19 make splits. And oftentimes we kind of get myopic on  
20 this, and we miss the big picture. So obviously, no  
21 division under the law is better than a split. But keep  
22 in mind that even if you have to split it, one split is  
23 better than two, two is better than three, and so on. So  
24 even if you do have to split something, either because  
25 it's so big, or because of your decisions elsewhere, it's

1 still a good goal to minimize those splits.

2       This is actually a failing. You'll hear a lot, I'm  
3 sure, about automated redistricting and computerized  
4 redistricting. This has become big in -- in lawsuits in  
5 the last two years. And almost all of those programs  
6 have a failing in them, which is they count how many  
7 splits are -- how many cities or counties are split, but  
8 then they don't care how many splits they are, because  
9 that's a whole 'nother level of very complicated  
10 programming.

11       So the programs, once they -- once they split a city  
12 once, they'll go in and split it a hundred times, because  
13 by the report the program kicks out, it's just a split  
14 city. The reports almost never report out, oh, it's been  
15 split a hundred times. And -- and computers, of course,  
16 only do yes/no. They -- they don't kind of put in value  
17 judgments of, wait, a hundred times of splitting a  
18 midsize city doesn't make any sense. So it's something  
19 to be careful of when -- when you hear about those  
20 programs, is ask how they handle that.

21       And just a pure idea, something to start your mind  
22 thinking, not a solid concrete suggestion, but you can  
23 almost score maps like golf scores. Where, you know,  
24 every unnecessary city or neighborhood split or county  
25 split would count as one or two, if it does -- if the

1 city doesn't actually split at all, well, the best is to  
2 keep it together. So splitting it once would count for  
3 two points, and then each additional split would add one  
4 more to your score, with the lowest score being  
5 preferred. That kind of thing is something you can use  
6 to compare maps, especially now, because with the  
7 technology now, you're going to get so many maps from the  
8 public. That really wasn't an issue ten years ago. They  
9 really didn't get a large number of maps. I think they  
10 ended up having really five or six substantive real  
11 statewide maps from the public. You're likely to get  
12 hundreds because the technology is so prevailing. So you  
13 may need some quick way of scoring them and looking at  
14 outliers. It just makes sense and can easily pass on.  
15 And you want to provide incentives to the public to try  
16 to minimize that.

17       So that's one idea, but it's important to think  
18 about -- obviously, under the law, your -- the law talks  
19 about local communities. As a policy goal, generally,  
20 you also want to look at larger communities, and the goal  
21 is to minimize their splits in -- in all your maps.

22       So that's pretty straightforward, you know,  
23 background information on how these things work. Not a  
24 lot of controversy in there.

25       So why ten years ago did we end up with 4,000 people

1 talking to the commission? It's because nothing is easy  
2 in this process. And -- so to set the stage for going  
3 into some of the what causes trouble, let me just wrap up  
4 with saying, you've got your -- your requirements.  
5 You've got a lot of data on neighborhoods and things like  
6 that you can draw in. And keep in mind that it's also  
7 important, the last point here, to have areas that aren't  
8 defined. You want to keep your flexibility in how you  
9 finish your map. So if you have very clear goals, say in  
10 the Inland Empire, and you have very clear goals in LA  
11 and Bakersfield, you need some more flexible area in the  
12 middle to bring those things together.

13       The map in the bottom right here is a -- a current  
14 California State Senate district that is the ultimate  
15 leftover district. They didn't have -- they didn't  
16 maintain that flexibility, and they didn't really go  
17 back. One thing they did though that -- that we'll talk  
18 about later is they trapped themselves and they didn't  
19 have time to go back and fix these things. But you can  
20 see Rancho Cucamonga there in -- in the left-hand side.  
21 And then the connection from Rancho Cucamonga to San  
22 Bernardino, you can only travel that territory with  
23 repelling gear. You know, there are forestry roads that  
24 you might be able to hike with a mule, but you can't get  
25 there from here. And this was exactly what we wanted to

1 avoid with Prop 11, and as you recall I earlier  
2 mentioned, is this kind of separate going Rancho  
3 Cucamonga, up through the mountains of San Bernardino,  
4 and then wrapping around and getting Menifee, you know.  
5 It -- it's kind of wacky.

6 Now, the -- the reason this happened was very good  
7 intentions. There was a focus on the Latino communities  
8 in Pomona, San Bernardino and those areas, but they  
9 trapped themselves at the end of the process and didn't  
10 have time to come back and clean up any of these second  
11 level concerns, like this map.

12 So communities -- it's important to define  
13 communities and not split them, but don't worry about  
14 covering the whole map. You need some areas of  
15 flexibility where you don't have input and testimony to  
16 finish up your map.

17 So getting into the tough decisions. Why did Cory  
18 become the ultimate debate? First of all, we have some  
19 really weird looking cities in the state. You have at  
20 the top Bakersfield. On the left is Los Angeles. On the  
21 right is San Diego. You know, lots of reasons for  
22 annexations over history. Lots of reasons for -- you  
23 know, somewhat shadier reasons for bypassing  
24 neighborhoods as cities grew. But keep in mind that as  
25 Justice O'Connor wrote long ago at the U.S. Supreme



1 Court, compactness and pretty maps are a goal and a ugly  
2 map is not a problem in itself, it's a flag. If  
3 something looks ugly, you have to ask why does that look  
4 ugly? And zoom in and say, why is a line there? If a --  
5 if a line follows one of these city borders, well, it's  
6 going to be ugly but it's a good map. It's -- it's  
7 keeping a community of interest together. And so keep in  
8 mind that communities and the people matter more than a  
9 pretty map.

10       You'll also get testimony conflicts, or you'll get  
11 two groups that just absolutely disagree. I'm going to  
12 give you a non-California example that avoid getting  
13 pulled into any California debates, but in 2001, the  
14 Navajo Reservation, which is roughly the area with the  
15 black dashes up in the northeastern part of Arizona, all  
16 Navajo wanted their whole area and as many reservations  
17 as possible in one congressional district. The Hopi, who  
18 are actually that top right area with the 2 in the  
19 middle, they're completely surrounded by the Navajo, and  
20 historically the two have not gotten along. And the Hopi  
21 were -- are only 6,000, and as I mentioned earlier, the  
22 Navajo are 100,000. So the Hopi were afraid that if they  
23 were in the same district, the member of Congress would  
24 only listen to the Navajo, because they outnumber them 15  
25 to 1. And they really needed a representative. And so

1 at every hearing the commission held in Arizona, there  
2 was a representative of the Hopi and a representative of  
3 the Navajo debating their different points.

4 And ultimately, the commission decided to separate  
5 them, and this is kind of a classic district. That  
6 District 2, it's following the Colorado River, which  
7 looks really ugly, but again, it's about the people. The  
8 goal was not to put Navajo residents into the Hopi  
9 district. If that was a cleaner connection, you would  
10 have ended up picking up Navajo communities and burying  
11 them in the Hopi nominated seat. So that was the way  
12 that the river was chosen as a geographic legal  
13 contiguous connection that would avoid combining two  
14 communities and -- that did not want to be combined.

15 The -- the commission actually, as a side note,  
16 argued quite a bit, and went both ways. They had a --  
17 they really didn't look -- like the look of this, but  
18 near the end of the process, the Navajo held a -- an  
19 annual peace rally, where they kind of get together  
20 around a peace tree and -- and hold a big weekend long  
21 celebration. And on the last day of the -- of the  
22 celebration, the Hopi noticed that the tree was actually  
23 in their reservation, and so they showed up on the last  
24 day of the celebration with a bulldozer and knocked the  
25 peace tree over.

1           So the Commission took that as a sign that yeah,  
2 these two groups really don't get along and need to be in  
3 separate districts. Oh, interestingly, in 2011, the two  
4 groups had learned to work together much better and they  
5 actually asked to be in the same district in the next  
6 decade. So that's one example of the types of very  
7 difficult choices you will face that are very, you know,  
8 there's no right answer there.

9           You'll also hear a lot about conflicts between city  
10 borders and other clear boundaries and the reality on the  
11 ground. The famous one in California is the Little  
12 Saigon. So down in Orange County you've got three cities  
13 that come together -- really four now, that come together  
14 that have very distinct city borders and city boundaries  
15 that everyone's aware of, but Little Saigon crosses  
16 across all of them. You can see in this map the red and  
17 yellow areas are sixty-five percent Asian American,  
18 almost entirely Vietnamese, or higher. And so this  
19 community, every decade has come in and said real  
20 legitimately, we are a community of interest, please keep  
21 us together.

22           Now, especially the State Senate and Congressional  
23 level, you can do both. You can keep all Little Saigon  
24 together in one district and put the rest of Westminster  
25 and the west of Garden Grove together. As this community



1 has spread into Santa Ana, that becomes much harder  
2 because Santa Ana's really big, and is definitely a,  
3 other than at several of the Asian American west end, the  
4 rest of it is a very heavily Latino. So it may not make  
5 sense to put all of Santa Ana in there. But at some  
6 levels of geography you can accomplish both goals, but  
7 when you get down the Assembly level and smaller levels,  
8 it's much harder, you have to choose in keeping Little  
9 Saigon together versus keeping each one of these three  
10 cities together.

11       Where it is a protected class on occasion,  
12 Americans, you'll hear a lot about the Voting Rights Act  
13 and that dictates how you should make those decisions,  
14 but you'll get similar challenges and similar things that  
15 don't have Voting Rights Act direction and you'll have to  
16 choose between each approach. And you'll hear very  
17 strong arguments on both sides.

18       We just drew city council districts down in El Cajon  
19 down in San Diego County, and this highlights a whole  
20 other challenge, which is California's new, relatively  
21 new and rapidly growing middle eastern community. For  
22 those that don't know, El Cajon is a traditionally very  
23 conservative jurisdiction, heavily white and  
24 historically, but it's been kind of a fascinating social  
25 experience as they really embraced different groups of

1 middle easterners over the years, mainly from Iraq, but  
2 now spreading a lot from Syria as well. But for various  
3 reasons of housing availability and all that, you can see  
4 the blue areas, that's where the middle easterners have  
5 largely settled. A lot of it's in the city, a lot of it  
6 is out of the city, and so this is another challenge.

7 In city council districting, the ones on the outside  
8 of the city were very regretful that they couldn't vote  
9 in city council districts, but really wanted to be  
10 involved. When you're dealing with the Assembly, you can  
11 take this because that's an unincorporated area. You can  
12 say El Cajon goes together in one seat and then add-in,  
13 where you're looking at, how do we finish that Assembly  
14 District. You can add in that neighborhood because of  
15 the clear community connection.

16 And I'll talk a lot about data, but this highlights  
17 one of the problems with data. Middle Easterners, among  
18 other groups, are not identified well by the Census  
19 Bureau. They are actually considered white. In the  
20 Glendale, Los Angeles, area, you also get this with  
21 Armenians who are considered white by the Census Bureau.  
22 And I have to credit the then city manager of El Cajon,  
23 who was pouring through all the data we had provided on  
24 renters and age and children and things like that trying  
25 to find a way to geographically identify it. And he

1 spotted it and reviews this repeatedly ever since in  
2 many, many projects. It's the other language spoken at  
3 home. The data you get from the Bureau is English spoken  
4 homes, Spanish-spoken home, Asian language is spoken at  
5 home and other. And the nice thing is in one community,  
6 the other is Russians, in the other is Middle Easterners  
7 that's speaking Arabic, but that gives you an imprecise  
8 but very useful data point. So sometimes you have to  
9 hunt for your data, but it is there.

10       Then you'll get into -- this was a hot one if you  
11 followed ten years ago, tradition versus recent trends.  
12 In Los Angeles, historically, there have been three  
13 historically black congressional districts. They've been  
14 represented by blacks or African Americans since the 70s.  
15 And this was a hot debate. It actually -- one observer  
16 actually commented on his employer account in 2011,  
17 "There is no crying in redistricting," because this issue  
18 was passionate that actually commissioners and members of  
19 the public were crying in the hearing as they testified  
20 on this.

21       But the question was these three districts.  
22 Obviously, LA is becoming more and more Latino. The  
23 African American representatives had been successfully  
24 winning these seats because even when they were only  
25 thirty percent, thirty-five percent African American, and

1 the districts were slowly moving west as more and more  
2 Latinos were in the central part of LA in '81 and then  
3 '91, and 2001, the districts moved west to keep those  
4 three historic traditional districts in place.

5 And so in 2011, they agreed to that, but it's noted  
6 on the sign in 2016, the tradition was offended as a  
7 Latina, House Member Barragan won District 44. And so  
8 now coming in, you'll be facing this question of,  
9 historically there have been three African American  
10 districts. Currently, there are only two African  
11 American representatives. So do you solidify those two  
12 districts, perhaps move them a little more east and pick  
13 up those African American neighborhoods that are in 44,  
14 or do you consider 44 a competitive seat, either a Latino  
15 or an African American could win and keep it more or  
16 less as it is or as close to as is as you can.

17 You'll get testimony both ways, and you'll get a lot  
18 of voting rights, active legal advice on this issue, too.  
19 But ultimately, this is going to be a policy choice that  
20 you'll have to make. It'll be a very hard one. Again,  
21 there's no right or wrong answer here, but it's a very  
22 tough choice here, tough spot you're in.

23 Then there's a lot of information here, I won't go  
24 through all of it, but a big question will be the  
25 existing maps. What do you do with them? The old

1 Commission drew them because they were following  
2 communities of interest. Does that make those districts  
3 communities of interest, or are you going to start from  
4 scratch?

5 Now, at the Congressional level, we're almost  
6 certainly going to lose at least one, and probably  
7 there's a very good chance we'll lose two Congressional  
8 seats, which means more or less starting from scratch,  
9 because it's really hard to just drop one map out, one  
10 district out and adjust the others. You're largely going  
11 to have to start from scratch if the number of  
12 Congressional districts change.

13 For Assembly and State Senate districts, it's going  
14 to be tough for you to wrestle with input, and this is a  
15 key part where you have to be careful because the  
16 incumbents are going to have their friends come and talk  
17 about how these seats are communities.

18 So one of the tough challenges for the fourteen of  
19 you is to figure out who is really talking as an  
20 individual, because they are a local voter organizer  
21 who's worked in this area for the last ten years and has  
22 networks in that district as a local activist. That  
23 makes senses to community. And who is just, you know,  
24 elected -- all elected officials, all levels like the  
25 districts that they won before because they won before.



1 So they're going to try to preserve those, and that's  
2 going to be a tough challenge for you to answer those  
3 questions and decide, are you going to use the old maps  
4 as a guide, or are you going to start from scratch?

5 One thought at the bottom here, you could work from  
6 both paths. As you go through this process, you could  
7 ask questions on how to the two-draft map's going. And  
8 there's nothing that says you have to come to just one  
9 drop map. You could certainly work both paths and see  
10 where they end up.

11 And then we get extended communities. This is  
12 really the swing county's idea. And again, Imperial  
13 County is a good example down in the southern end, it's  
14 heavily Latino, but so is much of San Diego and much of  
15 the Coachella Valley, so it could go north or it could go  
16 west. It's uniquely agricultural, so that doesn't really  
17 tie it to either side. And it has major transportation  
18 and corridors both, north and west. So this is one of  
19 the swing areas that maybe you keep, you know.

20 You'll hear testimony, probably hear testimony from  
21 both ways, and this maybe one of the swing areas that  
22 you're talking about; an example, how you make your final  
23 map. It's figuring out what you want and think it makes  
24 sense in San Diego and what makes sense in Riverside, and  
25 then see which way Imperial fills out best there. Last

1 time they actually did it both ways. In the  
2 Congressional map and the Senate map, Imperial County  
3 went west, and in the Assembly map, it went north. As  
4 you probably guessed from that comment, ten years ago,  
5 they largely abandoned nesting as an idea, and so they  
6 just drew each map independently. And they actually  
7 intentionally chose to mix Imperial County in order to  
8 make both groups out here, those that want to go north  
9 and those that want to go west.

10 But again, as I mentioned a moment ago, you have to  
11 be careful. In campaigns, they call it AstroTurf, fake  
12 grass roots efforts that aren't real voters, they're just  
13 a lot of mail coming in. You'll get that as well in your  
14 testimony. If you read back some of the press from  
15 ProPublica and Maverick Short and Paul Mitchell did an  
16 interesting couple of interviews and articles about how  
17 their clients tricked the last Commission into getting  
18 things they wanted.

19 And that's the biggest challenge of a Commissioner  
20 is you're all here because you're dedicated to hearing  
21 public input, and you're dedicated to public testimony.  
22 So sorting through what's real and what's not and what's  
23 AstroTurf is going to be a huge challenge for you. And  
24 it can be tough. On the right, I'll cite the Arizona  
25 example, we had a -- in the Arizona State Legislature,



1 there was one district that elected an African American,  
2 and the incumbent actually moved to the very edge of her  
3 district, which was heavily white, just that's where she  
4 wanted her kids to go to school and that's where they  
5 liked the house. And when we redrew the map based on  
6 communities, that area was out. So we had over a hundred  
7 people come to the hearings led by pastors, you know,  
8 local activists, very legitimate community leaders  
9 saying, hey, in this African American district, can you  
10 reach over here and include this white neighborhood? And  
11 it was pretty clear what was going on, but these were  
12 legitimate community leaders, there was no doubt about  
13 that, testifying on what they considered community of  
14 interest despite, you know, the subtext that everyone was  
15 aware of. And it's tough, you know, for you to have to  
16 balance these different requirements and to call them out  
17 or at least vote no when you get those requests. It's  
18 just a tough situation to put you in.

19 And then nesting, this is the last thing before I  
20 hand it to Professor Busch to wrap up. Nesting is how  
21 you're putting two Assembly seats to make each Senate  
22 seat and then ten Senate seats to make each board of  
23 equalization seat. It helps you unite communities. It  
24 helps residents gets organized, because once they're  
25 organized and active and in Assembly race, they can just



1 take that group and move right into being active and  
2 organize in the State Senate race. They don't find that  
3 group divided in half when they try to go get involved in  
4 the State Senate election. It brings those Legislators  
5 together working on local issues, because two Assembly  
6 members and one Senator clearly are the spokespeople for  
7 that area.

8       And traditionally, it was opposed because State  
9 Senators feared correctly that it would need the  
10 competition for their seats, because if there were two  
11 Assembly seats making up a Senate seat, each Assembly  
12 member already knew half the voters in the seat and could  
13 run against the State Senator. The senators always  
14 preferred for there to be five Assembly seats. So that  
15 each Assembly member only knew twenty percent of the  
16 voters.

17       But thankfully for your purposes, this is not really  
18 an issue anymore. California's term limit laws let  
19 people spend their whole term in the Assembly arena seat  
20 Senate, so people rarely move from one body to the other  
21 anymore. So you get less of that hidden opposition in  
22 nesting.

23       There is a legitimate concern about that would come  
24 from the Voting Rights Act groups about nesting. Their  
25 fear is you might be able to draw a State Senate seat

1 that is majority Latino or majority whatever group, and  
2 not two Assembly seats. But the way you can address that  
3 is by changing what you focus on in each area. Those  
4 groups will bring those maps to you, and in one region  
5 you might draw the Senate seat first and in another  
6 region you might draw the Assembly seats first. That  
7 takes obviously some ten goal work to bring those maps  
8 together, but it is a way to preserve nesting while  
9 addressing those concerns. So it is possible. Though,  
10 without a doubt, it's tough, and it does reinforce the  
11 need to get to your maps quickly and not spend too much  
12 time in the initial hearings. And ten years ago, they  
13 largely abandoned nesting, as I mentioned. So it is  
14 something you don't have to do, but for those reasons, I  
15 do want it to be in your mind and thinking about it.

16 And with that, I will hand back to Professor Busch  
17 to wrap up, and look forward to your questions in  
18 discussion.

19 DR. BUSCH: Great. Well, thank you, Dr. Johnson.  
20 So I'm just going to make a few points in summary, and  
21 then we'll see what sorts of questions you all have.

22 First of all, just to summarize the details of  
23 Proposition 11, it requires that the geographic integrity  
24 of any city, county, city and county local neighborhood  
25 or local community of interest shall be respected in a



1 manner that minimizes their division to the extent  
2 possible. Neighborhoods and other small communities of  
3 interest should be kept hold.

4       The Commission has to decide whether larger  
5 communities, like regions or agricultural areas benefit  
6 from being united or invited. But just keep in mind that  
7 whatever you do, whatever decision you make does a ripple  
8 through the map. It has effects on many other districts  
9 and decisions that you have to make.

10       Second, data cannot defend itself. Well, what do we  
11 mean by this? You're going to have a lot of data at your  
12 disposal, but in order for it to help you in your work,  
13 you have to make a commitment to using it. And  
14 especially, you need to be willing to use it to review  
15 and confirm public claims that might be made in  
16 testimony.

17       So you're going to get lots of testimony, sometimes  
18 it's going to conflict, right, so you need to be able and  
19 willing to use the data to sort all of that out, and  
20 sometimes it might even not conflict, but you still  
21 should use some data to confirm what you're being told,  
22 because sometimes there are different ways of looking at  
23 communities of interest in a particular area, but maybe  
24 only, you know, the advocates of one of those actually  
25 come out to talk to you. So even if someone is making a

1 claim in testimony that doesn't, you know, seem to be  
2 opposed by anybody else in testimony, you still need to  
3 kind of confirm it and make sure that they're not off  
4 base.

5 To get the best kind of public review, what we would  
6 argue is to make sure that you get some draft maps out  
7 there, and hopefully multiple times because it does wind  
8 up being the case that the people who provide you the  
9 best most useful sort of commentary, if there's actually  
10 a draft map already there for them to respond to. Right?

11 One possible way of approaching your task would be  
12 to focus on communities to find by city borders, county  
13 borders and being a fist and then revise, you know, make  
14 your revisions based on this sort of testimony that you  
15 get.

16 A kind of side point is to make sure that you're  
17 getting data from multiple sources as well, that the  
18 Commission is designed to have offsetting opinions among  
19 its members. Traditionally, Republican and Democratic  
20 lawyers are hired by balanced, and just remember that  
21 demographers, data analysts, have their own personal  
22 opinions. They, you know, maybe trying really hard to be  
23 unbiased, but they may have biases kind of underneath it  
24 all that are affecting their analysis. So to the extent  
25 that you can, you know, try to get data and analysis from

1 a variety of sources as well.

2 Third, avoid group think. Live meetings are good  
3 for some purposes and not as good for other. They're not  
4 a good time to actually trying to draw maps in the live  
5 meeting, partly because as Doug and I both mentioned a  
6 few times, the mapping does have ripple effects, right,  
7 and sometimes you might wind up in a rush, you know,  
8 making a critical mapping decision on the spot that you  
9 haven't had a chance to really think through all the way  
10 or you haven't really thought through all the  
11 implications of it, and it winds up having a big effects  
12 on other districts.

13 Just to give one example, the last time around,  
14 there was big group of people who came to make the case  
15 for keeping Santa Cruz completely united in a district,  
16 and the Commission put them on the spot, more or less,  
17 decided to do that. They were very happy to accommodate  
18 these people who had come to the meeting. Well, it  
19 turned out that by doing that, it actually required Menlo  
20 Park and Gilroy to be split, and you know, heard in ways  
21 that they didn't anticipate, they didn't see this coming,  
22 so they didn't have anybody at this meeting. Right, and  
23 so that was kind of a mistake.

24 So if you feel like there's a kind of herd mentality  
25 developing on some quick mapping decision, give



1 yourselves a little bit of time and take a step back and  
2 you know, make sure that you understand all the  
3 implications of it.

4 Finally, you know, in respect to this point, is to  
5 reemphasize the more drafts we give people to look at,  
6 the better the feedback is going to be, more useful it's  
7 going to be.

8 Big picture, county, cities, neighborhoods,  
9 communities of interest, they're all building blocks.  
10 Your job is to put these blocks together into a set of  
11 four maps, and every block that you move shakes the whole  
12 map.

13 So here's one example that -- another example of  
14 that. In 2011, there was a dispute over whether to  
15 consider crossing the Golden Gate Bridge with a district,  
16 and the Commission voted not to do that, they decided no,  
17 we're not going to cross the Golden Gate Bridge. That  
18 decision had the effect of locking in the map for the  
19 entire central valley, and so you know, just be aware,  
20 none of the decisions you make can be thought of in  
21 isolation from the others. You're drawing an overall  
22 maps four times and each piece affects the others.

23 Final thought, we've emphasized the importance of  
24 using data to help develop your options to make sure you  
25 test people's comments for their legitimacy and so on,



1 but legitimate resident's testimony is still crucial.  
2 Remember, if you think about the goal of Proposition 11,  
3 it was to empower residents of communities to California  
4 and that's all of them to the extent that's possible.

5 So you know, there are some people who are going to  
6 be able to afford to higher lobbyists or they're going to  
7 be able to follow the Commission around for meeting to  
8 meeting for months on end. And of course, you need to  
9 listen to those folks, but make sure they're not the only  
10 ones you're listening to.

11 You're going to hear comments at the end, but  
12 comments at the beginning are also important. Don't let  
13 those be completely overwhelmed by whatever is said  
14 later. And the hearings are important, but it's also  
15 important to give yourself some time to think about  
16 things and also time for the public to review your work  
17 and get ready for the next hearing.

18 So that's what we have by way of a presentation.  
19 And we'll just be happy to open things up to any  
20 questions that you might have.

21 CHAIR TURNER: Thank you, Professor Busch and Dr.  
22 Johnson, really good presentation. I appreciate it.

23 Are there -- we're going to open up for  
24 Commissioners at this point if you have any questions or  
25 comments?

1 COMMISSIONER VAZQUEZ: Madam Chair?

2 CHAIR TURNER: Yes.

3 MS. JOHNSTON: Christian, can you take down the --  
4 thank you.

5 CHAIR TURNER: Oh, there we go. There we go. Now,  
6 I can see who is it, that's Commissioner Vasquez?

7 COMMISSIONER VAZQUEZ: Yes, hi. Hi. Thank you,  
8 gentlemen, for such a great presentation. I'm actually a  
9 CMC Alumni, very familiar with the Rose Institute's work.

10 I had a clarifying question on one of your earlier  
11 slides you talked about, full matriculation patterns  
12 that, from my own understanding, there's nothing  
13 prohibiting us from considering those patterns, correct,  
14 it was -- I just think -- I do you think the school  
15 feeder patterns do support the finding of community,  
16 mostly relationships between parents and students are  
17 many times communities that bring up around high school,  
18 middle, elementary feeder patterns, so just, there's  
19 nothing prohibiting us from considering those, it's just  
20 not something required. Is that what I understand about  
21 that point?

22 DR. JOHNSON: Yeah, that's correct. You can  
23 certainly define those yourselves as a community of  
24 interest, because as you mentioned, yes, traditionally  
25 people get involved in politics first at their local

1 school, and then they get involved in cities and counties  
2 and things like that, so it definitely makes sense, and  
3 that certainly is one definition of how a community might  
4 identify itself.

5 COMMISSIONER VAZQUEZ: Thank you.

6 CHAIR TURNER: Commissioner Yee?

7 COMMISSIONER YEE: Yes, thank you so much, excellent  
8 presentation. It's been so helpful.

9 One part though I did not follow, Dr. Johnson, your  
10 discussion near the end about the VRA and the alternating  
11 Senate and Assembly drawing to accommodate consideration.  
12 Somehow I just didn't follow that. I'm wondering if you  
13 could clarify that?

14 DR. JOHNSON: Sure. The issue that came up a lot  
15 ten years ago, and I think was actually a big part of the  
16 reason why they abandoned nesting essentially everywhere  
17 is there's a concern that a given protected class,  
18 whatever it is, Latino or Asian American, might be large  
19 enough in a certain area to be a majority of an Assembly  
20 seat, in which case that works out pretty well. That  
21 Assembly seat then becomes one of the two in the Senate  
22 seat.

23 But sometimes you'll get two or three Latino  
24 neighborhoods that are not right together, and so none of  
25 them is large enough to be a majority even Assembly seat,

1 but all together, they're large enough to be a majority  
2 of the State Senate seat. And so then the concern is  
3 well, if we try to draw two Assembly seats, those may  
4 divide up those areas in a way that they're not a  
5 majority of the Senate seat.

6 So the resolution, which is definitely tricky to  
7 keep nesting is to then in that area draw the Senate seat  
8 first, and then you'd work on how the Assembly seats fit  
9 inside of it. Whereas, in the other area where you can  
10 only be a majority of an Assembly seat, you would draw  
11 the Assembly seat first and then draw the Senate seat  
12 around it.

13 Now, those two maps are eventually going to crash  
14 into each other somewhere and become difficult to put  
15 together, but not impossible. So there are ways to  
16 preserve nesting and keep the iffy value -- the benefits  
17 of nesting, there are ways to preserve it without losing  
18 those voting rights concerns.

19 COMMISSIONER YEE: All right. Thank you.

20 DR. JOHNSON: Thank you.

21 CHAIR TURNER: Commissioner Andersen?

22 COMMISSIONER ANDERSEN: Thank you. It was a very  
23 good presentation. I just got a couple of simple one  
24 questions for you.

25 Could you say LAFCO; what exactly was that?

1 DR. JOHNSON: The Local Agency Formation Commission.  
2 They're a very little known group, but there's one in  
3 every county, and every so often they pop up.

4 If you remember the battle over whether LA should  
5 split into two cities, these poor guys who've gone on  
6 there because they're sewer experts and they're experts  
7 in sanitary districts suddenly had to decide whether LA  
8 should be two cities. So they're -- but they do exist in  
9 every county and they have defined spears of influence  
10 for every city in the county.

11 COMMISSIONER ANDERSEN: Okay. Thank you. Is Local  
12 Agency Formation --

13 DR. JOHNSON: Commission.

14 COMMISSIONER ANDERSEN: Oh, Commission. And then  
15 back on slide 19, you're talking about data, percentages.  
16 What dataset are you getting that from? This would be  
17 basically you're talking about the percentages of renters  
18 and that sort of stuff. What was that coming --

19 DR. JOHNSON: Traditionally that comes from the  
20 Census Bureau, from the American Community Survey. I  
21 actually worked with a Ph.D. student at UC Santa Barbara  
22 who was writing his dissertation on matching American  
23 Community Survey data with local planning data.

24 So there are ways to blend it because planning data  
25 gets even more geographically refined in a given area,

1 but yeah, most of that data will come from the American  
2 Community Survey or ACS.

3 COMMISSIONER ANDERSEN: Thank you. I also really  
4 appreciate all those other sources of data that you gave  
5 us. That was more helpful. Thank you.

6 CHAIR TURNER: Commissioner Akutagawa?

7 COMMISSIONER AKUTAGAWA: Sorry. My headphones seem  
8 to have run out of juice, so I'm going to try to speak as  
9 close to the speaker as I can so that you can all hear  
10 me.

11 Thank you very much for that presentation. That was  
12 actually really, really interesting and very helpful in  
13 terms of how you organized the information and just  
14 helping us to just really understand from start to  
15 finish.

16 I just have the one question in terms of -- I'm  
17 trying to understand the -- it was near the very end of  
18 your slides where you talked about the Golden Gate  
19 Bridge, and that particular line put the Central Valley  
20 or locked the Central Valley into a very specific area.

21 Can you explain that a little bit further? I was  
22 able to download your presentation, and I was following  
23 along on that, and I'm trying to just still figure out  
24 what you meant by that. So --

25 DR. JOHNSON: Sure. So it was a very weird moment

1 in the 2011 process where they were at a hearing and  
2 heard lots of testimony from Marin and from San Francisco  
3 saying, don't cross the bridge; we're different  
4 communities. And kind of in the absence of any other  
5 considerations the Commission just voted that we'll never  
6 cross the bridge.

7 And what they didn't discuss at the time because no  
8 one was at the San Francisco hearing to talk about the  
9 Central Valley was when you're building these blocks  
10 together you're really starting at one point and building  
11 blocks until you hit a population number, and then you  
12 start the next district.

13 And in lots of parts of the state you have options  
14 of going left or right or whichever way to go to get  
15 those blocks, but in the Central Valley you're really  
16 limited. You're just walking down the Valley for a large  
17 part, and you hit that number, and you stop. There are  
18 some -- you'll hear a lot about Central Valley in the  
19 Voting Rights Act discussion, I'm sure, and that does  
20 introduce some variables, but really you're just walking  
21 down the Valley.

22 There are points where you could come west into  
23 Santa Clara, for example, things like that where there  
24 are connections to the Valley, but by locking in before  
25 they do anything else, the Golden Gate Bridge is a



1 barrier. They trap themselves, and the rest of that map  
2 was really stuck. You could -- as you put together those  
3 blocks you would've been stuck.

4 INTERIM ADMINISTRATOR VILLANUEVA: Excuse me. I  
5 hate to interrupt. Madam Chair, we have a required break  
6 for the captioner.

7 CHAIR TURNER: So hopefully, Dr. Johnson, Professor  
8 Busch, you're able to hang in with us a little bit  
9 longer, but we are required to take a fifteen-minute  
10 break at this time, and we'll be back at 3:17.

11 DR. JOHNSON: Happy to.

12 DR. BUSCH: Thank you.

13 INTERIM ADMINISTRATOR VILLANUEVA: Very good. Thank  
14 you.

15 (Whereupon, a recess was held from 3:02 p.m. until  
16 3:17 p.m.)

17 CHAIR TURNER: Welcome back. We're going to  
18 reconvene our session at this time, and at this point I'm  
19 looking to see if there are any commissioners that have  
20 any questions for Professor Busch or Dr. Johnson?

21 Commissioner Sadhwani.

22 COMMISSIONER SADHWANI: I'm actually zooming in from  
23 my office at Pomona College right there on 5Cs, so it's  
24 really nice to meet you both, and perhaps I'll see you on  
25 campus at some point.

1           You know, it certainly am familiar with the work of  
2 the Rose Institute. In fact, I actually just started  
3 reading this book that came out last year, Race and  
4 Partisanship in California Redistricting Rose Institute  
5 is certainly mentioned in the book.

6           A couple of -- two points really. One more of a  
7 comment and another as kind of a broad conceptual idea  
8 and question for you all.

9           First, in terms of this terminology around  
10 legitimacy that was used, I certainly share that concern,  
11 and I'm certainly familiar with the notion of AstroTurf.  
12 I might push back slightly on lines, and that's not to  
13 say let's invite lobbyists in by any means, but I think  
14 at the same time California has a number of very  
15 difficult to reach populations who most certainly might  
16 be protected under the Voting Rights Act or might  
17 comprise communities of interest.

18           So I do just want to put out there for the other  
19 commissioners, right, that when we're thinking about this  
20 idea of legitimacy, that might come in different forms,  
21 that community-based organizations might have those kinds  
22 of connections with very difficult to reach communities,  
23 communities that may not speak English very well and who  
24 may not be actively engaged in the political process for  
25 a variety of reasons. So I would just put that out

1 there, but certainly the point is well taken to be  
2 discerning in the public testimony that we do see.

3       The second was, you know, I think many times you  
4 kind of mentioned the importance of data. I certainly  
5 share that interest in data, and you had also talked  
6 about how we do not need to simply put out one graph of  
7 the maps, as well as the fact that in today's world there  
8 are many softwares out there that can formulate computer-  
9 generated maps and that those, of course, would be  
10 imperfect, but it might be an option for us, and I'm  
11 wondering as -- at first I thought, oh, well, you know, I  
12 don't know that we want to just start throwing out maps,  
13 but I think that you're probably right that once there  
14 are maps in place, there's something tangible for  
15 communities to actually respond to, right?

16       So rather than going out and having, you know,  
17 meetings all over the state and having had esoteric  
18 conversations about what we may or may not constitute a  
19 community of interest, I mean, I'm almost wondering, and  
20 this is totally just a broad idea in terms of process, if  
21 you have ever seen a commission actually take computer-  
22 generated maps, perhaps identify three, four, five maps,  
23 put those out there for community consumption and  
24 feedback so that communities may have something to  
25 actually respond to.

1           We wouldn't want cutting this way as map number 3  
2 would potentially do, but map number 1 might be a better  
3 option for us. Obviously, part of our job is still going  
4 to have to be weighing all of those considerations, but  
5 from a process standpoint, I'm wondering if that is  
6 something that you have seen done in your many kinds of  
7 experience working with clients on redistricting.

8           DR. JOHNSON: Definitely. I think, you know, Menlo  
9 Park and the example Professor Busch is talking about  
10 around Santa Cruz is a great example of there was just  
11 one draft. They were fine. So they never showed up.  
12 They were fine with the map. Why should they show up?  
13 And then all of a sudden it switched.

14           It illustrates the weakness of just one map being  
15 out there. Ten years ago it was much harder to generate  
16 a bunch of maps. As you mentioned, now, you know, there  
17 are folks who can generate a thousand maps in five  
18 minutes. And it may be very well a good idea to say,  
19 Let's generate a map that splits the fewest counties and  
20 cities and get that as a talking point.

21           As you mentioned, it will be flawed. It'll have  
22 problems, but the -- once you put that map out there, or  
23 two or three of them, that will get people talking.  
24 People are much more apt to come in and talk when they're  
25 reacting to a map.

1 I have this with school districts all the time where  
2 the question is do you want each school attendance zone  
3 to be kept together so that it has a powerful voice for  
4 one board member, or do you want each attendance zone  
5 split, so that two or three of the board members answer  
6 to the parents from that school.

7 It's an interesting philosophical question that will  
8 get three or four answers before there's a map, and  
9 usually we'll put out both maps, and then everyone  
10 instantly has an opinion. We'll get thirty or forty  
11 comments. So that's a good illustration.

12 Yes, you're exactly right. There are ways to  
13 generate -- almost computer-generated, if you want,  
14 discussion maps. You do have to make clear that, you  
15 know, these are not final maps by any means. You are  
16 trying to prompt discussion, and they will, without a  
17 doubt, and much more useful than one map where people who  
18 are fine with that map won't show up because they'll  
19 think they're fine. I mean, that's a little bit -- you  
20 know, it's better if there are three or four so that all  
21 those folks that are in questionable or borderline areas  
22 know, and they come in and start talking to you.

23 CHAIR TURNER: Turning to Commissioner Kennedy?

24 COMMISSIONER KENNEDY: Thank you, Madam Chair. I'm  
25 just wondering if Counsel can interpret for us subsection

1 7 on section 8253, Miscellaneous Provisions, where it  
2 talks about Commission shall display the maps for public  
3 comment for at least fourteen days from the date of  
4 public display, the first preliminary statewide maps.  
5 The Commission shall not display any other map for public  
6 comment during the fourteen-day period. So I certainly  
7 embrace the idea of getting any number of maps out for  
8 discussion, but are we limited by the statute as to how  
9 many we can have out there at any given time?

10 MS. JOHNSTON: If you call them your first draft  
11 map, yes. You wouldn't need to call them that, though.  
12 You could call them computer-generated maps for purposes  
13 of discussion only and not your draft map.

14 COMMISSIONER KENNEDY: Okay. Thank you.

15 CHAIR TURNER: Commissioner Fornaciari?

16 COMMISSIONER FORNACIARI: Thank you. Outstanding  
17 presentation, really, really helpful, great examples,  
18 great visuals, really helpful. So I had three things.  
19 Commissioner Sadhwani hit my first topic I was going to  
20 talk about. I think it's a great idea for us to think  
21 about.

22 I'm going to kind of paraphrase sort of theme that  
23 ran through your presentation if I may, and tell me if  
24 you think I got it right. But I think part of it -- part  
25 of what you were telling us was beware of making

1 decisions on the fly because we may create unintended  
2 consequences, and so you know, I think what you're doing  
3 is encouraging us to take the public input, consider the  
4 impact of that public input, and then make deliberate  
5 decisions based on the input and the trade-offs.

6 DR. BUSCH: Absolutely. That's, I think, an  
7 excellent summary of what we're trying to get across.

8 COMMISSIONER FORNACIARI: Okay. So then my final  
9 things is, is really a sort of practical nuts and bolts  
10 thing. We're going to get a ton of public input. Do you  
11 have suggestions on how to gather that, capture it,  
12 manage it, so that we can use it effectively?

13 DR. JOHNSON: It is going to be a challenge. You're  
14 exactly right. It's going to take a big team, without a  
15 doubt, to process and manage all this and present it to  
16 you. Thankfully there are really good tools for this,  
17 GIS tools and then JS tools that can put stuff on their  
18 browser so that everyone can easily view it without  
19 needing specialized software.

20 And the one piece that was interesting of the RP  
21 that I liked, even though we didn't propose, was talking  
22 about being able to geocode comments, so that when people  
23 talk, give you comments on a certain part of the map, you  
24 can have a master map that, when you zoom in on the area,  
25 it highlights the different comments you can have pop up.

1           So there are a lot of technology now that you can  
2 use, but yes, it is even with all the technology, it's  
3 going to be overwhelming, and you know, you can read  
4 about ten years ago that was exhausting, and they didn't  
5 even have really public mapping tools.

6           Now, you're going to have all that commentary, just  
7 as much commentary plus the folks will be coming in with  
8 maps. So that will be a big challenge for you without a  
9 doubt. But it will -- it's really about having a large  
10 team ready to process that and condense it for you.

11           The other piece that I would suggest is, you know,  
12 wrapping up every meeting with kind of a summary of the  
13 Commission's questions and directions because it's going  
14 to be weeks before your minutes come out, and you -- as  
15 Professor Busch talked about, you don't want people  
16 having to have a paid lobbyist there or be able to come  
17 to every single meeting and not have any idea what  
18 happened.

19           You know, that was Menlo Park's problem is there was  
20 no time for them to learn what had happened way in. So  
21 if you can, as you're going along, summarize each  
22 meeting's kind of key take aways from the public and what  
23 you want to hear from the public on after that meeting,  
24 that would help focus it and eliminate some of the random  
25 noise you'll be getting.



1 COMMISSIONER FORNACIARI: Thank you.

2 CHAIR TURNER: Commissioner -- thank you.

3 Commissioner Andersen, did you have your hand up?

4 COMMISSIONER ANDERSEN: Yes, I do. Thank you. I've  
5 got one more. You're talking about getting stuck, and I  
6 understand that the previous Commission sort of seemed to  
7 start like in the more rural areas and work towards the  
8 dense cities.

9 Would possibly -- you know, just -- this is --  
10 looking at the amount of redistricting that you've  
11 actually had experience with, do you find a way to  
12 possibly avoid getting stuck is actually start in the  
13 dense cities and kind of work out from there? Does that  
14 give you more play areas?

15 DR. JOHNSON: Well, in my experience, you really  
16 want to be working it from both angles. You want to be  
17 work -- taking it from one approach, somewhat like I  
18 talked about the two tracts of one from the current map  
19 and one from scratch. You want to be working all these  
20 different angles and having three or four, five kind of  
21 rough maps out there because you don't know where you're  
22 going to get stuck. It can happen working out in, and it  
23 can happen from in to out.

24 But keeping -- to keep in mind I find -- and this is  
25 more with my team than with my clients, is to not get

1 locked in. Feel free to toss the map and say, What  
2 happens if I do something completely different? Ninety  
3 percent of the time you also get stuck, but one out of  
4 ten times, hey, it solves all these problems.

5 So you always have to be flexible and understand  
6 that this is a working thing. Don't get locked into a  
7 decision you made last time or to what looked like a good  
8 map last time. It may be that blowing up that nice thing  
9 from last meeting solves five other problems elsewhere in  
10 the map.

11 COMMISSIONER ANDERSEN: Then a second question is,  
12 you know, to start off doing preliminary draft maps we  
13 have to start with some sort of data set, and clearly it  
14 won't be the actual census data.

15 Is there any validity to picking a set of data,  
16 let's say the 2019 community survey, so everyone knows  
17 what data you're working with and do a rough, you know,  
18 approximation with that? Knowing it's going to change  
19 but that way you get communities out there or -- it's  
20 just an idea.

21 DR. JOHNSON: Yeah, it's certainly an option. We  
22 actually do that at the Institute -- we did ten years  
23 ago, what can -- and actually this time we've done it  
24 too, looking at what areas are likely to gain and lose  
25 seats.

1 But there really isn't any good data until there's a  
2 census data, and this year it may not be all that good of  
3 census data either, but the census data is the census  
4 data. There's no other data set. So you really can't do  
5 much that would be very useful until you actually have  
6 that data because the real decisions are all how do you  
7 work out the difficult areas.

8 You know what you want to do in San Bernardino, you  
9 know what you want to do in LA or you have two or three  
10 ideas each. How do you make those pieces fit together?  
11 And you can't do that until you have official census  
12 data. So we can look regionally using estimates, but you  
13 can't draw maps or specific districts until you do.

14 COMMISSIONER ANDERSEN: Would those possibly be  
15 tools, though, because you said that you get a lot  
16 through the input once you actually have a map out there,  
17 and could that be used as a tool to get -- help you  
18 actually locate communities of interest without them all  
19 thinking, oh, these are the real maps. I mean, the  
20 real -- it's not the real data, but it could be, and so  
21 therefore, possibly getting in touch with the real  
22 communities rather than just hitting it cold later on.

23 DR. JOHNSON: Yeah, it would help, you know, that --  
24 for example, if you're dealing with the Cambodian  
25 population in Long Beach. You know, are they enough to

1 be, you know, a large part of Assembly district or are  
2 they enough to be a large part of a State Senate  
3 district.

4       So yeah, you could definitely get estimates. Take  
5 East LA and downtown LA, you know, are Latinos there  
6 enough to be part of two Congressional districts? Are  
7 they really enough to just be one? You could get those  
8 kinds of ballpark estimates and know as we're dealing  
9 with these regions how many seats will have to be drawn  
10 there.

11       You know, if downtown and East LA are so big that  
12 there's going to be two Congressional districts, well,  
13 then maybe we should be talking about how to divide up  
14 the two districts, not establishing the one big area as  
15 one community.

16       So yes, preliminary data could help you with those  
17 kinds of ballpark numbers, certainly. In that case,  
18 yeah, you're -- you are facing a challenge of which data.  
19 It's probably going to be somewhat dated American  
20 Community Survey data. You can get city-wide estimates  
21 from the Department of Finance that are pretty good, but  
22 the problem is they don't tell you where those people are  
23 in the city. So for small cities, they're great. But  
24 you would have to fill it in with American Community  
25 Survey data for larger cities to know where in the city

1 the population is.

2 COMMISSIONER ANDERSEN: Thank you.

3 CHAIR TURNER: Counsel Johnson and then Commissioner  
4 Yee.

5 MS. JOHNSTON: Last time around, as you know, the  
6 Commission had to deal with section 5 of the Voting  
7 Rights Act, and I think they tended to start with those  
8 districts first. If without that legal barrier -- legal  
9 requirement now, how important would it be to start with  
10 the section 2 possible districts that would have to be  
11 formed?

12 DR. JOHNSON: You're definitely right about the  
13 section 5, and it was interesting. They started with  
14 them and actually then they came around and finished with  
15 them. The big challenge of Santa Cruz was the section 5  
16 considerations. And actually if you read the articles  
17 the Board of Equalization map had completely redrawn  
18 because of section 5 considerations in the last -- very  
19 last meeting.

20 MS. JOHNSTON: Right.

21 DR. JOHNSON: Section 2 is tougher in there's always  
22 a challenge here, and this is why being flexible and  
23 remembering -- as Dr. Busch mentioned, remembering the  
24 first comment and the last comment equally. It's hard to  
25 say whether it's better to draw the section 2 districts

1 and then fill in between them or to draw a draft map and  
2 then superimpose on it the section 2 districts.

3 I would probably defer to the testimony you're going  
4 to get when you do the training on the Voting Rights Act  
5 in terms of what's a better approach there because I  
6 don't have a strong feeling one way or the other.

7 MS. JOHNSTON: Part of the --

8 DR. JOHNSON: Which is a question to face.

9 MS. JOHNSTON: Part of the reason that I think that  
10 they got stuck a few times was because they were trying  
11 very hard to comply, and that led to problems in how the  
12 maps were drawn.

13 DR. JOHNSON: I think you're probably right. Yes,  
14 certainly they wrestled with how best to comply.

15 MS. JOHNSTON: Yeah.

16 DR. JOHNSON: Definitely.

17 CHAIR TURNER: Commissioner Yee?

18 COMMISSIONER YEE: Yes, I think you might have  
19 answered this already, but the census data, you know,  
20 that's where it's all based on, and we just have to wait  
21 for it, but there are these questions about timing and  
22 quality, and I'm just wondering if you have any other  
23 advice, or what are you thinking in your own work as we  
24 all wait for these numbers and how to mentally prepare  
25 for what's going to come?

1 DR. JOHNSON: Yeah. Actually, Rick Hassen, the  
2 professor and UC Irvine runs an election law blog that's  
3 a national blog of kind of key players in the field and  
4 academics and lawyers and demographers, and this has been  
5 a hot topic lately.

6 So there's two pieces of this. One is that there  
7 are various scenarios but almost certainly the data is  
8 going to come out April 1st, and there are scenarios  
9 where it doesn't, but that's most likely.

10 And unfortunately for most purposes, the census data  
11 is the census data. You know, back in 2001 there was a  
12 lot of talk about adjusting the data. And it -- all the  
13 statistical models that were tried didn't work. If  
14 you're familiar with the work of Leo Estrada, Professor  
15 Leo Estrada from UCLA, the City of LA actually hired him  
16 to, what they call, sample or adjust the data for the  
17 city's use, which the city can do, and they pushed back  
18 their start date by weeks and weeks and weeks to give him  
19 more time as he tried to figure out, and he finally came  
20 back and said, I cannot build a more accurate database at  
21 the block level. We might know that two percent of one  
22 group and one percent of another group were missed, but  
23 we don't know which census blocks they were missed in.

24 And so essentially -- someone may come up with a  
25 better engine and solve that, but right now the census

1 data is the census data, and there's not really anything  
2 you can do about it once you get it.

3 CHAIR TURNER: Thank you. Commissioner -- yes,  
4 Commissioner Akutagawa it's going to go back to you  
5 anyway because I think at break, you were still talking,  
6 or if not, you go now.

7 COMMISSIONER AKUTAGAWA: No, I was done at the time,  
8 but I did have a question that I want to ask, and maybe  
9 this is -- I don't know if this is to be directed to  
10 Counsel or to one of our two presenters. There was -- I  
11 think, Mr. Johnson, you might have been the one to have  
12 mentioned that you suggested to avoid getting stuck that  
13 we work from different angles and that we be flexible and  
14 don't get locked in.

15 Counsel -- for the Counsel, Marian, I have this  
16 question: If we make a decision, we vote, we move on  
17 something around a map, and then we realize we locked  
18 ourselves in, can we go back and undo that decision  
19 because we realize that we locked ourselves in?

20 MS. JOHNSTON: Nothing is final until you say this  
21 is the final map you're voting on.

22 COMMISSIONER AKUTAGAWA: Okay. I just wanted to  
23 just make sure that we had that option. Okay.

24 CHAIR TURNER: I think one of the things you had  
25 stated, Dr. Johnson, is with that particular scenario is



1 that they actually ran out of time and couldn't come  
2 back, right? That's something else we need to be  
3 watchful --

4 MS. JOHNSTON: There was a big push at the last --

5 DR. JOHNSON: Exactly. They want to do so much  
6 initial outreach that they trapped themselves on the back  
7 end.

8 MS. JOHNSTON: You're lucky you've got an extra four  
9 months from -- to get started ahead of getting the census  
10 data to start collecting the COI information.

11 CHAIR TURNER: Um-hum. Um-hum. Okay. We're going  
12 to go to public -- okay. Commissioner Sinay?

13 COMMISSIONER SINAY: You didn't see me earlier. I  
14 had two questions. One is ten years is a big period.  
15 You have two presidential elections and multiple local  
16 elections during that time. As we're looking at the  
17 maps, how do we take into consideration trends? As you  
18 were talking about the black communities moving and  
19 changing.

20 There's a lot of that going -- you know, a lot of  
21 regentrification and moving and stuff. So how do we look  
22 at those trends, and also how do we look back kind of to  
23 what's -- we have a large young population coming up, and  
24 how is that going to change -- change things. And I know  
25 we're only looking at voter -- the voter age, but we are.

1 I mean, that is part of it.

2 DR. JOHNSON: Yeah. You'll hear much more about  
3 trend data in the Voting Rights Act discussion. That  
4 does play a key role in Voting Rights Act analysis  
5 because you might have an area where you can't draw a  
6 majority seat today, but in 2018 you can, and they can  
7 certainly bring the lawsuit in 2019 if they want to. I  
8 saw this in many states this time around. So I'll defer  
9 quite of bit to that. More community driven trends,  
10 there's some data you can use for that, a bunch more  
11 about -- but a lot of that is testimony driven, too.

12 One thing you can do actually that wasn't done  
13 before is you can ask the cities to testify on that. You  
14 can actually ask the cities and the county planning  
15 departments to give you what is their master plans for  
16 the next ten years. And a lot of them will just hand it  
17 right over. They've got it all prepared. So that is one  
18 option used, but it is a difficult challenge and will  
19 need to be locally done, so.

20

21 COMMISSIONER SINAY: One other question. It's kind  
22 of often. And so I just think it's important to get  
23 different perspectives on this, but there -- why did  
24 people kind of not be on board with Proposition 11,  
25 because you said that barely made it past, but then when



1 it came to Proposition 20, they were on board.

2 So there's this fear -- it sounded like there's a  
3 fear of Citizen Redistricting Commissions, but once you  
4 haggle, people are like let's go. Can you explain that a  
5 little bit more?

6 DR. JOHNSON: For sure. This is actually -- as  
7 Professor Busch mentioned, we've written a lot about  
8 this. All your earlier campaigns kind of demonize the  
9 commissioner members. If it was a commission of judges,  
10 they talked about, well, most judges in California,  
11 especially back then, were white and old.

12 COMMISSIONER SINAY: And men.

13 DR. JOHNSON: One infamous ad actually had Judge  
14 Wapner from The People's Court. And he had testified as  
15 a kind of wise and trusted on an early proposition. And  
16 then they brought him back later on actually to attack  
17 the proposition when he was later in years and actually  
18 came across fairly confused. And they kind of used him  
19 and portrayed these are the folks that you want to put on  
20 the commission.

21 So they always attack the who would be on the  
22 commission, which is a very hard issue as you all have  
23 just been through. And how could we give power to this  
24 mysterious body? Well, once Prop 11 passed, and I think  
25 it passed with less than 50.1 percent of the vote, now



1 the commission existed.

2       So now you couldn't demonize the commission. They  
3 exist. Everyone knows how it's going to be formed. And  
4 so putting Congress in was really easy because there is  
5 nothing to demonize. And actually there was a no  
6 campaign led by a former member of Congress. And a week  
7 before election day, he actually denied any -- having  
8 anything to do with it because he saw how overwhelming  
9 the polls were, but that was a history as they could  
10 attack this mysterious commission and who was going to be  
11 on it when no one knew, but once the commission existed,  
12 then they couldn't attack that mystery. They knew. And  
13 so they had to attack -- they had to see if Congress  
14 wants to keep control, and that wasn't going to go  
15 anywhere.

16       DR. BUSCH: Yeah. I suspect there might have been  
17 a -- I agree with that, but there might have been another  
18 one or two factors. One of them being that there was  
19 just a precedence, right. So you can say, well, it's  
20 similar to the point that Dr. Johnson is making. It's  
21 not quite the same. It's just saying we've done this.  
22 We've decided to do this. So why not go all the way with  
23 it.

24       The other factor is that I think if you at polling,  
25 the U.S. Congress is considerably less popular than State

1 Legislature here and pretty much everywhere else in the  
2 country. And so to say we think something needs to be  
3 done to fix State Legislative districting, this didn't  
4 strike people as being as -- I mean, this is just my  
5 guess, but I suspect that they didn't see it as being as  
6 crucial as just sort of taking on Congress somehow. So I  
7 would throw those two out as other possible additional  
8 explanations.

9 CHAIR TURNER: Thank you. Professor Busch and Dr.  
10 Johnson, your presentation has been extremely helpful.  
11 We appreciate you very much. We are going to go to  
12 public comment, but I want to give you the option while  
13 they're dropping off depending on your time, we're  
14 staying for public comment for this agenda item number  
15 22.

16 Mr. Yang, I see you've joined. Are you joining for  
17 the appropriation information, the budget information?  
18 That -- is that our guess?

19 MS. JOHNSTON: Yes. Yes.

20 CHAIR TURNER: Okay. Okay. We will go to public  
21 comment, sir, if you will just give us a little bit more  
22 time. Scheduled in at 3:45. Public comment at this  
23 time.

24 AT&T operator, do we have anyone in queue for public  
25 comment on agenda item 22?

1 MS. JOHNSTON: AT&T?

2 AT&T AT&T OPERATOR: Of course. I do apologize. I  
3 was saying that on mute. Please as a reminder if you  
4 wish to speak or have an opinion, you may press one then  
5 zero.

6 We do have one on the line, Martin Campos.

7 Please go ahead and spell your name.

8 MR. CAMPOS: Martin, M-A-R-T-I-N, last name Campos,  
9 C-A-M-P-O-S.

10 CHAIR TURNER: Thank you, Mr. Campos. Go ahead.

11 MS. CAMPOS: Thank you very much.

12 Hi. My name is Martin Campos from Concord. And I  
13 just wanted to say jurisdiction through Contra Costa has  
14 been converting district elections. Many of this has  
15 been contentious, but one stands out. In Martinez, the  
16 city adopted lines that snaked in the city, splitting  
17 both downtown, the waterfront, and the four district.  
18 The sun district is only as wide as a single block.

19 As you can guess, this is explicitly done as  
20 protecting incumbents. Now, take my word though, (audio  
21 interference) judge and the resulting litigation, the  
22 most obvious form of a violation in the absence of  
23 cohesiveness, continuity, integrity, and compactness of  
24 territory. Bluntly, the map verges on self-  
25 (indiscernible) and clouding the criterion reminiscent of

1 the original Massachusetts gerrymandering. Further, the  
2 city's brief stresses that the map was consciously drawn  
3 to cross boundaries of communities of interest.

4 The judge added it's about as uncompact and (audio  
5 interference) as geographically possible, bluntly calling  
6 the map absurd. This map was drawn by National  
7 Demographics Corporation. The president, Doug Johnson,  
8 your community of interest expert. I urge you to Google  
9 Martinez districting (audio interference) and Sanchez v.  
10 City of Martinez to learn more. It's important that you  
11 know the experts' entire record. So then you can decide  
12 how much to weigh and give their advice. Thank you.

13 CHAIR TURNER: Thank you, Mr. Campos.

14 Next caller, please.

15 AT&T AT&T OPERATOR: Our next one is from the line,  
16 Abi.

17 Please go ahead and spell your name.

18 ABI: Hi. My name is Abi, A-B-I.

19 CHAIR TURNER: Thank you, Abi. Go ahead.

20 ABI: Okay. I would like -- I'm calling your  
21 attention to a very important community of interest that  
22 was unfortunately missing from Doug Johnson's  
23 presentation. The LGBT community fits all the criteria  
24 of being a cultural community of interest that should be  
25 included for your consideration when drawing Legislative



1 line. LGBT voters have consistently shown they're a  
2 coherent voting block. They vote with a shared interest  
3 on many civil rights issues, housing access, public  
4 safety, and social justice issues. Typically, they are  
5 also concentrated in well-defined geographies that lend  
6 themselves to be considered during the redistricting  
7 process.

8 The last commission included the LGBT communities of  
9 interest. And dating back a few decades, it has been a  
10 consideration in several local redistricting plans, such  
11 as San Diego, performed by independent commissions like  
12 yourself. LGBT data may or may not be available through  
13 census data, but the commission should do what the last  
14 commission did and work with outside organizations to get  
15 LGBT data and receive public testimony. We would  
16 appreciate your consideration of the LGBT community of  
17 interest as we proceed. Thank you very much.

18 CHAIR TURNER: Thank you, Abi, for calling.

19 Next caller, please.

20 AT&T OPERATOR: Of course. The next caller is  
21 Jaclyn Coto.

22 Please go ahead and spell your name.

23 MS. COTO: Hi. Good afternoon. My name is  
24 Jacqueline Coto, J-A-C-Q-U-E-L-I-N-E, last name spelled  
25 Coto, C-O-T-O. Good afternoon, commissioners. Thank you





1 so much for the opportunity for my public speech. I am  
2 calling on behalf of NALEO Educational Fund.

3 And Commissioners, we appreciated the opportunity to  
4 hear the discussion earlier today about the division of  
5 responsibility between the commissioners and their staff  
6 and how that would be reflected in the job descriptions  
7 for their staff position. So based on our experiences  
8 with the state commission ten years ago, we believe that  
9 the commission must be more hands on with respect to the  
10 operations of the redistricting process than a typical  
11 board of directors, or a corporation, or a nonprofit  
12 organization might typically be, but because division and  
13 the direction of the commission, (indiscernible) in the  
14 many operational details of the process, we believe the  
15 commission should have a significant involvement in some  
16 of those details, particularly with respect to how the  
17 commission engages the public and the process. So for  
18 example, commissioners should be involved in the decision  
19 making about the number of timing -- for the number and  
20 timing of public hearing opportunities for the best way  
21 the public can submit community of interest or other  
22 proposed maps to the commission.

23 So we understand that this (indiscernible)  
24 involvement can create challenges I light of the other  
25 numerous responsibilities you have. Therefore, we



1 suggest that the commission consider creating committees  
2 of commissioners to address certain issues, and have  
3 those committees report back with recommendations to the  
4 commission. So this was the approach of the last  
5 commission, and we believe it worked really well. So  
6 thank you so much for the opportunity, and we look  
7 forward to continuing our work together. Thank you.

8 CHAIR TURNER: Thank you, Mr. Coto.

9 Okay. Next caller, please.

10 AT&T AT&T OPERATOR: We currently do not have any in  
11 the queue at this time madam chairman, but as a reminder,  
12 if anyone does wish to, you may press one, then zero.

13 CHAIR TURNER: Thank you.

14 AT&T AT&T OPERATOR: And we do have one from the  
15 line of Sophia Garcia.

16 Please go ahead and spell your name.

17 MS. GARCIA: Oh, okay. Hi everyone. My name is  
18 Sophia Garcia. And that's S-O-P-H-I-A G-A-R-C-I-A. And  
19 I'm the GIS analyst for the Dolores Huerta Foundation,  
20 but we're also a member of the integrated Voter  
21 Engagement California Redistricting Alliance. And I just  
22 really loved the discussion earlier today, and just again  
23 want to reiterate, like, the previous presenters. The  
24 value of communities of interest, and I know that the  
25 word "validity" versus "lobbyists" was thrown out. And I



1 want to say that I really value that. And I really hope  
2 that this whole commission looks at specific community  
3 members, community residents.

4 I know that the two presenters talked about  
5 community organizers and really looking at community  
6 leaders in this whole process. And so I just hope that  
7 through this process that that remains the same. That  
8 we -- you all know that there is a number of community  
9 organizations across the state. And I know again the  
10 central value is mentioned numerous times. So I'm just  
11 really looking forward to working with the commission on  
12 behalf of the alliance, especially during the community  
13 of interest process and mapping that out from the  
14 community standpoint. So thank you so much for the two  
15 presenters and look forward to working with the  
16 commission later in the future. So thank you.

17 CHAIR TURNER: Thank you, Community Member Garcia.  
18 We appreciate you.

19 Next caller, please.

20 AT&T AT&T OPERATOR: There are currently none in the  
21 queue at this time.

22 CHAIR TURNER: Thank you.

23 Okay, Commissioners. If there are no other comments  
24 or questions from you, we're going to conclude agenda  
25 item 23. I don't think there was anything to vote on.



1 It's just a training item, one that was much appreciated.

2 Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: I just wanted to clarify  
4 that agenda item number 22, not 23.

5 CHAIR TURNER: Thank you. 22.

6 Okay. Well, thank you so much, Dr. Johnson,  
7 Professor Busch. We appreciate your coming in, and we  
8 look forward to perhaps hearing from you again. Thanks  
9 so much.

10 DR. BUSCH: It was a great pleasure. Thank you.

11 CHAIR TURNER: You're welcome.

12 At this point, we have agenda item -- well, we're  
13 going back. Let's see. We were in --

14 Raul, you want to set us up for this?

15 INTERIM ADMINISTRATOR VILLANUEVA: Yes. We have --  
16 so during the discussion about budget, the commission had  
17 some questions about 2019 appropriation and how those  
18 amounts were determined. And we have with us Mr. Wagaman  
19 and Mr. Yang from the Legislature. And they have  
20 graciously decided to be here and give you some  
21 information on that.

22 MS. JOHNSTON: And this is back to item 6.

23 INTERIM ADMINISTRATOR VILLANUEVA: Thank you. Back  
24 to item 6.

25 CHAIR TURNER: And welcome, Mr. Wagaman, Mr. Yang.



1 Thank you for joining us today.

2 MR. YANG: Hi. My name is -- I'm Joel Yang, and I'm  
3 the senior consultant for the Senate Republic of  
4 Congress.

5 MR. WAGAMAN: And my name is Michael Wagaman, and  
6 I've been retained by both the speaker and pro tem's  
7 office to assist with the Legislature's statutory  
8 redistricting mandates. We're happy to be here with a  
9 caveat that neither Joe or I or budget staff. So there  
10 may be questions we have that we are not qualified to  
11 answer, but as you may have read, the capitol is facing  
12 some unique challenges this week with our end of session.  
13 So unfortunately, you're stuck with us.

14 That said, I'm going to be referring to the document  
15 labeled "Budget." Posted on your meeting handouts is a  
16 document that you were discussing yesterday, but if you  
17 wanted to follow along. By law, the Legislature did a  
18 three-year allocation for redistricting, which was done  
19 in June of 2019. That's required under Proposition 11.  
20 To put that in context, June of 2019 was the same week  
21 that the application process opened for the Commission.

22 So obviously, a lot has changed in your individual  
23 lives in that subsequent time. A lot has changed in the  
24 world since then. So just so you know, that's where this  
25 logic was coming from. Where we were in June of 2019 is



1 also the reason the law does have mechanisms to adjust  
2 funding levels and to deal with those issues as you  
3 now -- or exist as a commission as a whole and start  
4 deciding for yourselves how you want to proceed with your  
5 important work. That said, these allocations were all  
6 based heavily on a report from the last commission from  
7 June of 2012. That document, I believe, is still on your  
8 website under the meeting handouts from that meeting from  
9 almost eight years ago now. So if you wanted to go back  
10 and look at that, that's one of the reference documents  
11 that is publicly available.

12 But to clarify how the various funding buckets were  
13 calculated, there is the 3.9 million labeled available  
14 under the detail. What that has done is that is based on  
15 the spending from the last commission from its formation  
16 date through the adoption of lines plus inflation, which  
17 is consistent with the funding for that's in Proposition  
18 11. So that's how that number came about. That is funds  
19 with no restrictions on it that is currently available to  
20 the commission.

21 As you know, that commission was referenced earlier  
22 only had seven and a half months to adopt lines while  
23 your commission will have at least a year. I say at  
24 least a year because, obviously, the Legislature took  
25 subsequent action to secure an extension for your

1 timeline to address any potential delay in census data  
2 availability. So this is not the time that was added  
3 because of a census issue. This was a time that was  
4 added to the calendar based on the last commission's  
5 feedback that they simply needed more time to do some of  
6 the things you're doing now, whether it is taking more  
7 time to focus on restaffing, hiring issues, and do that  
8 in a little bit more of a deliberative fashion, having  
9 more time to gather this community of interest testimony,  
10 so when you actually start drawing maps, you're ready to  
11 hit the ground running and have gathered that information  
12 in advance.

13 More months is great for your work. More months  
14 also means more costs. So the last commission in 2012  
15 estimated their best guess of what that extension would  
16 cost. They guessed it would be about a million dollars,  
17 which is where you get that 1.3-million-dollar bucket,  
18 because that's that million dollars plus again inflation.  
19 It's also why that 1.3 million dollars specifically  
20 refers to operational costs is to allow -- because that  
21 (audio interference) the purpose of that additional  
22 extension is to pay for those additional months. Doesn't  
23 need to be spent in those four and a half months, but  
24 just to add the overall process.

25 Also as was referenced in your discussions



1 yesterday, during the last redistricting effort, there  
2 was substantial private funding for outreach efforts.  
3 And it's our expectation that similar funding won't be  
4 seeing this cycle. Knowing how critical outreach is to  
5 your success, the 2.1 million dollars in public funding  
6 was allocated specifically for outreach. Again, that's  
7 based on those levels of private funding last time,  
8 again, adjusted for inflation.

9 I will note that there was some discussion about  
10 looking at some of the reports on the 2011 process. I  
11 think it's great that you were looking at those  
12 documents, whether the League of Women Voter report,  
13 which I think you've added to your document list, or  
14 again, the funding levels from the last commission. One  
15 thing that is important to note though when you look at  
16 those is that sometime when things are labeled as  
17 outreach, they're actually comingling three different  
18 buckets of spending. One is outreach that was spent  
19 during the application and selection phase of the  
20 process, which is obviously over and complete and not  
21 what we're talking about. We're talking about this 2.1  
22 million. One was the direct outreaches for -- direct  
23 outreach grants for the commission phase, which is really  
24 what we're talking about. And it also included  
25 allocations to provide public access to redistricting





1 software.

2       For the latter, there's actually a separate line  
3 item that is not reflected on your budget sheet because  
4 it's not going to the commission. It goes to UC Berkeley  
5 as part of the Statewide Database. And that's 1.9  
6 million dollars that is for various things, including for  
7 providing that public access to redistricting software.  
8 So again, that's supplementing and replacing more public  
9 funds. Private funds may not be exist and using public  
10 funds instead.

11       All that is just a long way to say when you look at  
12 reports from last time, it's going to be important that  
13 you make sure you're talking apples to apples when you're  
14 talking about funding allocations from last time versus  
15 this time.

16       Finally, there's the 4.3 million dollars for  
17 litigation expenses. Again in a recurring theme, that is  
18 based on the litigation expenses from the last commission  
19 plus inflation. You're obviously a very long way from  
20 knowing exactly what your litigation expenses are going  
21 to be and whether they're going to be higher or lower,  
22 but the Legislature did want to make sure that those  
23 funds were available to you quickly when you do hit that  
24 phase in the process without having to request a budget  
25 augmentation, particularly as litigation may begin during

1 a time when the Legislature is not in session. So we  
2 wanted to not be a barrier to the commission being able  
3 to defend its work. So --

4 CHAIR TURNER: Mr. Wagaman, is that the -- when you  
5 say 4.3, is that the post-redistricting process?

6 MR. WAGAMAN: Correct.

7 CHAIR TURNER: Okay. Thank you.

8 MR. WAGAMAN: So for -- so under Proposition 11,  
9 there's actually a statutory floor for spending of 3  
10 million dollars that was established under Proposition  
11 11. And between the funds that have been allocated to  
12 CSA, to yourselves, and to the database, the Legislature  
13 is already allocating nearly 19 million dollars for the  
14 current redistricting cycle to show our commitment to  
15 this process.

16 With that, I will just say the Legislature will  
17 continue to be available on the various issues where  
18 we're actually required by law to coordinate with the  
19 commission, including the issue we're discussing, the  
20 funding of the operation, providing public access to the  
21 redistricting database, which I believe you're going to  
22 hear more about in some of your future training.  
23 Providing public access to redistricting software, which  
24 we've actually already communicated with your staff about  
25 agendizing for a future meeting some tools that have been

1 developed. For example, help capture some of that  
2 community of interest testimony we were just talking  
3 about. And after the lines are all done, looking at the  
4 statutory amendment process, which I believe your counsel  
5 referenced to you earlier is something that would require  
6 votes of both the commission and the Legislature to  
7 ultimately implement.

8 With that, I would defer to Mr. Yang to see if he  
9 has anything to add or if I forgot anything. And if not,  
10 otherwise, they'll hold for questions.

11 MR. YANG: I think I just like to say as the  
12 Legislature, we really have gone to -- it's in our best  
13 interests that you guys succeed so we return as much as  
14 possible in preparation to go give you the tools that are  
15 necessary. I mean, who knows. I think technology has  
16 changed. Who knows what your needs are going to be. So  
17 there's some flexibility. And you know, I don't like to  
18 think that -- we'll be more than willing to work with you  
19 because the Legislature -- it's in our best interest that  
20 you guys succeed.

21 CHAIR TURNER: Thank you.

22 Counsel -- not Counsel. I'm sorry. Commissioners,  
23 do you have any questions or comments for Mr. Wagaman and  
24 Mr. Yang?

25 MS. JOHNSTON: I do have one comment.



1 CHAIR TURNER: Okay. And then we'll go, after you,  
2 counsel, to Commissioners Kennedy and Fernandez.

3 MS. JOHNSTON: I really appreciate the funds set  
4 aside for litigation. This commission may not know that  
5 last time when the commission was sued on its State  
6 Senate maps, we had two different law firms to get that  
7 balance a republican and democrat, and we were not able  
8 to pay them for about six months, which takes a lot of  
9 commitment from attorneys to keep getting working when  
10 they're not getting paid.

11 And it was rather embarrassing for the commission.  
12 And in fact, one law firm had to withdraw because they  
13 just couldn't finance it anymore. So on behalf of this  
14 commission, I think they would appreciate the fact that  
15 those funds are now at least reserved for the purpose of  
16 litigation if necessary.

17 CHAIR TURNER: Absolutely.

18 Commissioner Kennedy.

19 COMMISSIONER KENNEDY: Thank you, madam Chair.

20 I think that the main question that we had from  
21 yesterday that we were hoping for an answer for was  
22 regarding the 5.2 million allocated to CSA to administer  
23 the process in the knowledge that some of that would have  
24 gone to travel payments for people to come to Sacramento  
25 for interviews that ended up being done by Zoom. And are



1 we able to make use of can those funds be reprogrammed  
2 for our outreach or other use, or do those revert to the  
3 state.

4 The second thing is I guess this is for staff. I  
5 would definitely appreciate receiving more information  
6 about the allocation to UC Berkeley for the public access  
7 to mapping software just to have a better fix on what all  
8 on that is needed to cover. Thank you.

9 MR. WAGAMAN: So to the first question -- and this  
10 is why I said at the start with the caveat that neither  
11 Joel or I or budget staff -- I do not know and have an  
12 answer as far as what is involved, in essence, moving  
13 money between buckets, whether it's the CSA bucket or any  
14 of your buckets. I have flagged those issues for budget  
15 staff. And we will have an answer for you, whether it is  
16 something that can be done automatically or whether it  
17 requires additional Legislative action.

18 To the public access on redistricting software,  
19 again, that's through the Statewide Database. I believe  
20 Ms. McDonald, when she is speaking to you during some of  
21 her presentations can touch lightly on those. I don't  
22 know that it's been fully agendized. So she probably  
23 will -- and representatives from the legislation will  
24 need to come back at a future meeting when it's fully  
25 agendized to kind of walk you through those tools.

1 CHAIR TURNER: Commissioner Fernandez.

2 COMMISSIONER FERNANDEZ: Yeah. Thank you.

3 I think -- thank you, Michael, for that information.  
4 And I think I might've missed this in either your  
5 presentation or when Raul discussed this yesterday, but  
6 on the budget sheet that was provided to us, down at the  
7 bottom, there's a 3.378 million dollars that's been  
8 subtracted from the available balance. So you know  
9 that's for?

10 MR. WAGAMAN: Which is the line item you're looking  
11 at? I'm looking at the spreadsheet now just so I know.

12 COMMISSIONER FERNANDEZ: Almost all the way at the  
13 bottom where it says 0 of 731 available after August  
14 15th. It's a -3.378.

15 INTERIM ADMINISTRATOR VILLANUEVA: If I may, Mr.  
16 Wagaman.

17 MR. WAGAMAN: Yes.

18 INTERIM ADMINISTRATOR VILLANUEVA: If I may.

19 COMMISSIONER FERNANDEZ: Okay.

20 INTERIM ADMINISTRATOR VILLANUEVA: So if you look at  
21 the details, the two middle ones that are available no  
22 earlier than August 15, the 1.3 and the 2.1, when you add  
23 those two together, they come out to the 3,000,378.

24 COMMISSIONER FERNANDEZ: Okay.

25 INTERIM ADMINISTRATOR VILLANUEVA: So --



1           COMMISSIONER FERNANDEZ: So then you're backing  
2 those out.

3           INTERIM ADMINISTRATOR VILLANUEVA: Yes. So what  
4 that's saying there is you still have that money, but  
5 it's not available until you ask for it.

6           COMMISSIONER FERNANDEZ: Okay. So it's still  
7 available. So I guess it made it seem like it wasn't  
8 available. So it's still available, but we just have  
9 to -- there's some sort of formal process to request it.

10          INTERIM ADMINISTRATOR VILLANUEVA: Yes.

11          COMMISSIONER FERNANDEZ: Correct? Okay.

12          MR. WAGAMAN: This is -- and again, I'm not a budget  
13 expert, but I learned a little bit about this part of it,  
14 which is that's a common language that exists for other  
15 agencies where they have multiple buckets of money  
16 potentially available. And it allows an agency to, in  
17 essence, send that signal both through the Department of  
18 Finance and the Legislature, that they've reached the  
19 point that they need to encumber that next level of  
20 funding or that they're ready to begin a program that  
21 maybe wasn't ready to start at the beginning of a fiscal  
22 year. And so it's basically a process that's very common  
23 in state government of notifying Department of Finance,  
24 who then notifies the Legislature, and then those funds  
25 have to be released within thirty days.

1 COMMISSIONER FERNANDEZ: Okay, great. Thank you so  
2 much. I appreciate that.

3 CHAIR TURNER: Commissioner Le Mons, did you raise  
4 your hand? Oh, okay. I'm trying to be real sensitive to  
5 movement.

6 Commissioner Akutagawa, please.

7 COMMISSIONER AKUTAGAWA: Thank you, Madam Chair.  
8 So I have a question. I thought I heard you say  
9 that under outreach efforts, 1.9 million went to UC  
10 Berkeley. Is that the one -- is that 1.9 out of the  
11 2,065,000?

12 MR. WAGAMAN: It's a separate 1.9. So there's a 2.1  
13 million --

14 COMMISSIONER AKUTAGAWA: Oh, I see.

15 MR. WAGAMAN: -- that went to the Commission --

16 COMMISSIONER AKUTAGAWA: Got it.

17 MR. WAGAMAN: -- plus 1.9 that went to UC.

18 COMMISSIONER AKUTAGAWA: Okay. Okay. Thank you.

19 INTERIM ADMINISTRATOR VILLANUEVA: If I may also,  
20 that's part of the grants that came out of the Irvine  
21 Foundation ten years ago. So they funded that last time  
22 through grant. And what Mr. Wagaman is letting you know  
23 is that the Legislature came in and acknowledged that  
24 that grant -- and it wouldn't be there and it came out of  
25 general funds money.



1 MR. WAGAMAN: Right. So that's where, again, if you  
2 look at the League of Women Voters report, the old -- the  
3 last Commission's report, they'll refer to outreach funds  
4 that were spent privately. Some of those were for tasks  
5 that were really CSA tasks. Some of those were funds  
6 that were Commission tasks, and some of those were --

7 INTERIM ADMINISTRATOR VILLANUEVA: Uh-huh.

8 MR. WAGAMAN: -- Legislative tasks because the  
9 Legislature, under the law, is required to provide that  
10 public access to redistricting software. So that 2.065  
11 number is one part of a larger bucket.

12 CHAIR TURNER: Anything else, Commissioners?

13 Commissioner Taylor, please.

14 COMMISSIONER TAYLOR: And thank you. Not to be  
15 redundant, but I just want to sort of piggyback off of  
16 Commissioner Kennedy and just that you have it flagged  
17 that any savings from one bucket, we're concerned whether  
18 or not that can be reallocated to another bucket,  
19 concerned about the process or the procedure for that  
20 event.

21 MR. WAGAMAN: So again, I have that question at the  
22 budget staff. To ask about that, there may be some  
23 places where there's policy questions on those. So for  
24 example, does raiding the litigation bucket for the line  
25 drawing bucket then create the issue that I believe Ms.

1 Johnston was talking about, about not having funds then  
2 for the litigation? So I'm just trying to get those  
3 answers, and we will make sure we have those before your  
4 next meeting.

5 CHAIR TURNER: Okay. So with that, Counsel --  
6 question for you, Counsel, because there are still  
7 outstanding questions then that technically would fall  
8 under six. Should we still keep this open or are we able  
9 to retire and put it back on?

10 MS. JOHNSTON: Mr. Wagaman, how soon do you think  
11 you might have that information available?

12 MR. WAGAMAN: I would suggest, but obviously you are  
13 your own entity, that you may just want to agendize that  
14 for a future meeting. I don't know when I'm going to  
15 have those answers, given the complications of the  
16 Legislative schedule and not knowing exactly when you're  
17 wrap.

18 MS. JOHNSTON: Then that's something we can discuss  
19 on item twenty-three. I believe it is about future  
20 meetings and agendas. So you can close out this item  
21 now.

22 CHAIR TURNER: Okay.

23 MS. JOHNSTON: You should call for public comment  
24 again before we close it out.

25 CHAIR TURNER: Okay. Thank you.

1 So AT&T operator, Jeff. I'm not sure he's there.

2 Yes, Commissioner Fernandez and Vazquez.

3 COMMISSIONER FERNANDEZ: Okay. I just want to  
4 confirm with Michael that we are making a formal request  
5 to you to get back to us on that information. That way  
6 there are some sort of a formal request, I guess, so that  
7 we do get back at some point, hopefully.

8 MR. WAGAMAN: Yeah, I -- we made note of it  
9 yesterday when it came up.

10 COMMISSIONER FERNANDEZ: All right. Great. Thank  
11 you.

12 CHAIR TURNER: Commissioner Vazquez.

13 COMMISSIONER VAZQUEZ: I think that Commissioner  
14 Fornaciari had his hand up before me.

15 CHAIR TURNER: Oh, Lord.

16 Yes, Commissioner Fornaciari?

17 COMMISSIONER FORNACIARI: Yeah. I just -- we've  
18 noted several items here that we want to consider for the  
19 next agenda. And I just want to check, is someone  
20 writing them down?

21 INTERIM ADMINISTRATOR VILLANUEVA: I'm writing some  
22 of them down, yes.

23 COMMISSIONER FORNACIARI: Oh, okay.

24 MS. JOHNSTON: I'm writing some down. Hopefully,  
25 between us we'll catch them.

1 INTERIM ADMINISTRATOR VILLANUEVA: Marian and I will  
2 be comparing notes.

3 COMMISSIONER FORNACIARI: Okay.

4 INTERIM ADMINISTRATOR VILLANUEVA: And we have been  
5 daily so far.

6 COMMISSIONER FERNANDEZ: I wrote down some as well.

7 COMMISSIONER FORNACIARI: Okay. I wrote some down  
8 too, but I didn't get them all. Thank you.

9 MR. WAGAMAN: Really quickly, to clarify one point  
10 to Ms. Fernandez's questions, because I want to make sure  
11 I'm accurate, the note that I made was for us to -- for  
12 the Legislature to check what is involved in moving funds  
13 between the various allocated buckets.

14 The other issue you did discuss yesterday was how  
15 much money is left at CSA because we were working on the  
16 assumption there is money left, and I don't know that  
17 that's the case. That would be a communication between  
18 the Commission and CSA, not the Commission and the  
19 Legislature. So I just want to make (audio interference)  
20 sure there isn't --

21 UNIDENTIFIED SPEAKER: Yes.

22 MR. WAGAMAN: -- a who's on first scenario.

23 COMMISSIONER FERNANDEZ: Okay. Yes, I do -- I  
24 understand the difference.

25 For you, Michael, it's just the process in terms of



1 moving money from one fund to the other. And then as for  
2 the Commission, it's checking with (audio interference)  
3 auditor to see if there's any funding left. Thank you.  
4 Yeah.

5 CHAIR TURNER: And just a point of clarification.  
6 Does this tie in as well, the conversation that I believe  
7 Commissioner Vazquez and maybe others started as far as  
8 the travel funds and ensuring that someone was getting  
9 that money back from, for example, Southwest, that it's  
10 not just sitting there as a credit and running to (audio  
11 interference) for the occasions, even though it wasn't  
12 the norm, the occasions where individuals booked their  
13 own flights, which would mean that they would be holding  
14 and sitting on the credit unless someone was following up  
15 to ensure that that money was being transferred back to  
16 the State, CSA, or whichever Department, wanting to run  
17 those things to (audio interference).

18 INTERIM ADMINISTRATOR VILLANUEVA: Chair Turner, I  
19 acknowledge that I understood that and the communications  
20 to me yesterday. That's a matter between the Commission  
21 and the CSA, and I will be reaching out to them. It'll  
22 be part of the invoicing and accounting information that  
23 the Commission will receive. I think I said that  
24 yesterday. And you can rest assured that they will --  
25 that is forthcoming. Anyway, I'll make sure to follow it

1 up for you.

2 CHAIR TURNER: Okay. It kind of tied in for me -- I  
3 was clear on that, Raul. Thank you. But it kind of tied  
4 in for me when we started talking about transferring  
5 between departments, et cetera, because that would go one  
6 direction. And if it was seen as a credit somewhere  
7 else, in my mind, I was thinking we were tying the  
8 conversation again. I do recall you had that.

9 INTERIM ADMINISTRATOR VILLANUEVA: Right.

10 CHAIR TURNER: So thank you.

11 INTERIM ADMINISTRATOR VILLANUEVA: Not to get --  
12 I've definitely understood that that's the point that's  
13 very important to the Commission, and so I will follow  
14 through for you.

15 CHAIR TURNER: Okay.

16 Okay. So we'll call in for public comment at this  
17 time. AT&T operator, do we anyone in the queue for  
18 public comment for this agenda item number 6.

19 AT&T AT&T OPERATOR: There is currently no one in  
20 the queue, Madam Chair.

21 MS. JOHNSTON: Madam Chair, you could also -- since  
22 it's towards the end of the meeting, you could also call  
23 for general public comment if you wish.

24 CHAIR TURNER: Okay. There's no one in the queue,  
25 though, right now, right?

1 MS. JOHNSTON: No, but if you announce that they'll  
2 take it on any topic, maybe someone would be willing.

3 CHAIR TURNER: Well, before we take it on any topic,  
4 I actually wanted to go a different direction. I wanted  
5 to go back to the RFP. And we also had agenda item  
6 number 14. That was not at conclusion, so I wanted to go  
7 back there before we go to general comment.

8 MS. JOHNSTON: Sure.

9 INTERIM ADMINISTRATOR VILLANUEVA: So are there --  
10 if I may, are there any other commissioners who have  
11 questions for our guests?

12 CHAIR TURNER: No.

13 INTERIM ADMINISTRATOR VILLANUEVA: Then Mr. Wagaman,  
14 Mr. Yang, thank you so much.

15 CHAIR TURNER: We appreciate you both. Thank you  
16 for the information shared and coming today. Thank you,  
17 all.

18 I'd like to go back to agenda item number 14,  
19 because I'm trying as well. I don't have the notes that  
20 you all do, in trying to call on people, et cetera. But  
21 I do recall that under our agenda item number 14, we  
22 received some public comment on it as well. We still  
23 need to go back to the articles that's been issued and  
24 complete this agenda item as well. And then we'll also  
25 have to open up for public comment here on 14. So I'd

1 like to go there next.

2 Commissioner Akutagawa?

3 COMMISSIONER AKUTAGAWA: Did we also cover agenda  
4 item number 13?

5 MS. JOHNSTON: We have not covered it.

6 CHAIR TURNER: No. No, we moved it down.

7 COMMISSIONER AKUTAGAWA: Thank you.

8 INTERIM ADMINISTRATOR VILLANUEVA: Okay.

9 CHAIR TURNER: So on the --

10 INTERIM ADMINISTRATOR VILLANUEVA: Go ahead, please.

11 CHAIR TURNER: -- on agenda item number 14, we did  
12 receive a report on some of the staffing procedures, et  
13 cetera. But we were also interested in getting to the  
14 point of discussion on whether this Commission is  
15 comfortable with the existing RFPs that's there for  
16 staffing or if indeed we wanted to have a conversation  
17 about what our desires would be and if we want to weigh  
18 in on that decision and perhaps put in new RFPs for each  
19 of these areas. So I'd like to have --

20 INTERIM ADMINISTRATOR VILLANUEVA: Excuse me, Chair,  
21 a point of order, please.

22 CHAIR TURNER: Yes.

23 INTERIM ADMINISTRATOR VILLANUEVA: There was a  
24 motion that had been seconded regarding whether the  
25 Commission would be accepting the exempt salary schedule



1 for 2019. And so that discussion had finished. The  
2 Commission decided to take public comment. And I think  
3 we need to kind of go back to that and finish. That's a  
4 standing item open

5 CHAIR TURNER: Okay. That current motion. Okay.  
6 Well, can we go to vote on that or do we -- I think we  
7 can go to vote on that. And this was so that  
8 everybody -- this was the

9 MS. JOHNSTON: The exempt salary scale.

10 CHAIR TURNER: Thank exempt salary scale. Thank  
11 you.

12 MS. JOHNSTON: Commissioner Ahmad?

13 COMMISSIONER AHMAD: Yes.

14 MS. JOHNSTON: Commissioner Akutagawa?

15 COMMISSIONER AKUTAGAWA: Yes.

16 MS. JOHNSTON: Commissioner Andersen?

17 Commissioner Andersen?

18 COMMISSIONER ANDERSEN: Yes.

19 MS. JOHNSTON: Yes?

20 COMMISSIONER ANDERSEN: Yes. Sorry.

21 MS. JOHNSTON: Commissioner Fernandez?

22 COMMISSIONER FERNANDEZ: Yes.

23 MS. JOHNSTON: Commissioner Fornaciari?

24 COMMISSIONER FORNACIARI: Yes.

25 MS. JOHNSTON: Commissioner Kennedy?

1 COMMISSIONER KENNEDY: Yes.

2 MS. JOHNSTON: Commissioner Le Mons?

3 COMMISSIONER LE MONS: Yes.

4 MS. JOHNSTON: Commissioner Sadhwani?

5 COMMISSIONER SADHWANI: Yes.

6 MS. JOHNSTON: Commissioner Sinay?

7 COMMISSIONER SINAY: Yes.

8 MS. JOHNSTON: Commissioner Taylor?

9 Commissioner Taylor --

10 COMMISSIONER TAYLOR: Yes.

11 MS. JOHNSTON: Commissioner Toledo?

12 COMMISSIONER TOLEDO: Yes.

13 MS. JOHNSTON: Commissioner Turner?

14 CHAIR TURNER: Yes.

15 MS. JOHNSTON: Commissioner Vazquez?

16 COMMISSIONER VAZQUEZ: Yes.

17 MS. JOHNSTON: Commissioner Yee?

18 COMMISSIONER YEE: Yes.

19 MS. JOHNSTON: Motion passes.

20 CHAIR TURNER: Outstanding. Thank you.

21 INTERIM ADMINISTRATOR VILLANUEVA: Thank you,  
22 Commissioners.

23 So Madam Chair, if you please, then, I'll continue  
24 with the agenda item.

25 CHAIR TURNER: Yes. Thank you.

1 INTERIM ADMINISTRATOR VILLANUEVA: Thank you.

2 So there's a conversation to be had about retired  
3 annuitants. I understand that there's primary interest  
4 about these recruitments, so let me just go ahead and  
5 jump to them.

6 So couple a of things, what I can tell you is how  
7 many folks have applied for each position. I really  
8 can't tell you much more than that. I think -- if it  
9 would be fruitful for you, we should look at those  
10 recruitments and actually see what they have, how they  
11 work, then go into looking at how many folks have  
12 actually applied to it so that you have some basis in  
13 terms of your decision on, do you want to keep the  
14 recruitment extended or do your own. So that would be my  
15 suggestion. And I'd like to hear if that's something  
16 that the Commission would like to pursue then.

17 CHAIR TURNER: Commissioner Sinay?

18 COMMISSIONER SINAY: Just for clarification, when  
19 you say, recruitment, your just -- it's the phase for the  
20 job descriptions that were put out that are posted?

21 INTERIM ADMINISTRATOR VILLANUEVA: Okay. Yes.

22 COMMISSIONER SINAY: Okay. I just wanted to --

23 INTERIM ADMINISTRATOR VILLANUEVA: So that would  
24 be -- that would be --

25 COMMISSIONER SINAY: -- I just wanted to make sure I



1 was speaking the same language.

2 INTERIM ADMINISTRATOR VILLANUEVA: No, that's  
3 completely appropriate to ask. These are recruitments.  
4 So what we're doing is we're sending out information  
5 about the job, the position, the responsibilities,  
6 minimum qualifications. And we're asking folks, are you  
7 interested? And if so to apply. And that's for the  
8 Chief Counsel, Executive Director, and the Communications  
9 Director. It's going to bring --

10 CHAIR TURNER: Commissioner Fornaciari?

11 COMMISSIONER FORNACIARI: Let's see. I just want to  
12 check in. It's 4:21, and we're schedule to end at 4:30.

13 INTERIM ADMINISTRATOR VILLANUEVA: Yes.

14 COMMISSIONER FORNACIARI: Is it fruitful to spend  
15 just a few minutes starting this conversation now, or  
16 would it be better to start in the morning when we can  
17 spend the appropriate amount of continuous time on it?

18 CHAIR TURNER: So one of the things, it probably  
19 would be fruitful to have a good, solid conversation in  
20 the morning. What I'm interested in doing is to try  
21 to -- if there's a way we can determine how far off we  
22 are. We knew the conversation was coming up, in regards  
23 to if we are interested in keeping the current RFPs and  
24 if we can get a sense of where we believe we are as a  
25 Commission, it might help us start our day with some kind

1 of targeted conversation and questions, maybe.

2 Commissioner Vazquez --

3 MS. JOHNSTON: Madam Chair, if I could add that, I  
4 think asking Raul about what recruitment efforts were  
5 made for those positions and how many applicants there  
6 were would also be fruitful for your consideration for  
7 tomorrow.

8 CHAIR TURNER: I agree.

9 Commissioner Vazquez?

10 COMMISSIONER VAZQUEZ: Yeah, I would be interested  
11 in hearing from Raul.

12 That said, where my mind is at right now is that I  
13 am sure all of the applicants, maybe not all, but I'm  
14 sure there's a substantial amount of good quality  
15 applications for each of these positions. That said, if  
16 there is a discussion around potentially reissuing new  
17 RFPs for any of these positions, I'm not even sure how I  
18 would engage in a quality discussion about potential  
19 applicants and their qualifications based on RFPs that  
20 could potentially be substantially changed to weigh  
21 different criteria. Because at least I know when I'm  
22 applying to something, I base it pretty, pretty closely  
23 to what is being asked of me.

24 So we may be missing quality applicants who have  
25 applied in the first round who didn't structure their

1 applications in a way -- I'm not sure if I'm making  
2 sense, but that just --

3 CHAIR TURNER: You are.

4 COMMISSIONER VAZQUEZ: -- I think it's a little cart  
5 before the horse to look at the current applicant pool,  
6 if there is a good chance for any of these positions  
7 we're going to change what we're looking for.

8 INTERIM ADMINISTRATOR VILLANUEVA: Quite honestly,  
9 you should not make any of this decision -- put it this  
10 way. You shouldn't see or know anything about the  
11 applications in making the decision.

12 CHAIR TURNER: Right.

13 INTERIM ADMINISTRATOR VILLANUEVA: The decision is  
14 primarily, quote/unquote, a business decision.  
15 Otherwise, in looking at the applications, there's a lot  
16 of potential conflicts and issues that could arise there.  
17 And so I haven't seen who's applied. Marian hasn't seen  
18 who's applied. And so we could have this conversation  
19 purely on that basis then.

20 COMMISSIONER VAZQUEZ: Got it. I'm sorry. I  
21 misunderstood you then. It sounded as if we were going  
22 to be (indiscernible) --

23 INTERIM ADMINISTRATOR VILLANUEVA: Oh, no, I was  
24 going to go through the actual document so that the group  
25 could understand, what did we ask for? Why was it asked?

1 And then you can look at it and go, is that something  
2 that we want? Is that meaningful to us as a Commission?

3 How would this work if we were to go forward? Is  
4 there a utility there for us?

5 CHAIR TURNER: Right.

6 INTERIM ADMINISTRATOR VILLANUEVA: That's my intent.

7 CHAIR TURNER: I see you.

8 Commissioner Andersen, then Fernandez and Akutagawa.

9 COMMISSIONER ANDERSEN: Thank you, Madam Chair.

10 I've got a quick question. Say we do want to modify  
11 something. Can we do this as a change order to an RFP,  
12 or do we need to reissue?

13 INTERIM ADMINISTRATOR VILLANUEVA: This isn't an  
14 RFP. This is a job recruitment. It's a recruitment  
15 flyer.

16 COMMISSIONER ANDERSEN: Okay.

17 INTERIM ADMINISTRATOR VILLANUEVA: And so that  
18 question is still germane and it would depend on what you  
19 wanted to change and how it actually affected the  
20 application process.

21 COMMISSIONER ANDERSEN: (Indiscernible) starting to  
22 do something like that. Should we --

23 INTERIM ADMINISTRATOR VILLANUEVA: Oh, absolutely.

24 MS. JOHNSTON: Absolutely. Since you're exempt from  
25 civil service rules, you can rewrite it the way you wish.

1 COMMISSIONER ANDERSEN: Thank you.

2 CHAIR TURNER: Commissioner Fernandez?

3 COMMISSIONER FERNANDEZ: Okay. I just wanted to  
4 make a clarification because a few of us referring to an  
5 RFP, but it's not an -- an RFP would be request for  
6 proposal. This is actually -- we're going to talk about  
7 recruitment. So I want to make sure that we separate the  
8 two because we will be talking about an RFP later.

9 INTERIM ADMINISTRATOR VILLANUEVA: Yes.

10 COMMISSIONER FERNANDEZ: So these are just about  
11 staffing. So it's more of a recruitment versus RFP  
12 process.

13 CHAIR TURNER: Thank you.

14 Commissioner Akutagawa?

15 COMMISSIONER AKUTAGAWA: Sorry. I think  
16 Commissioner Ahmad was before me.

17 COMMISSIONER AHMAD: Thank you, Linda.

18 I just had a brief comment, and I -- Commissioner  
19 Fernandez kind of touched on that as well.

20 And then I just wanted to bring up that I've been  
21 hearing, and I'm sure that you've all heard the public  
22 comments about, you know, the CSA issuing these  
23 recruitment postings versus us.

24 And something that I know that I would do in  
25 preparation again for our conversation tomorrow is just





1 to review the job description to see if there's anything  
2 that is missing that I think we should have had and kind  
3 of go from there.

4 I'm definitely interested in hearing some numbers,  
5 but at the same time, I don't want to bias myself in  
6 saying that, like, oh, forty people applied for this  
7 position, so there must be someone who's good in there  
8 and then use that as a reason to not make edits --

9 INTERIM ADMINISTRATOR VILLANUEVA: Right.

10 COMMISSIONER AHMAD: -- based off of what we want in  
11 the job description itself.

12 So I'm just trying to figure out what's the best  
13 approach to make sure that we fairly and honestly give  
14 every applicant that may or may not have applied a chance  
15 even though the job description was not ours, per se.

16 CHAIR TURNER: Thank you.

17 COMMISSIONER AHMAD: It looks like it's very  
18 thorough. I'll go through it again, but it looks very  
19 thorough.

20 INTERIM ADMINISTRATOR VILLANUEVA: And if I may,  
21 that's -- I support what you're saying, Commissioner  
22 Ahmad. And that's really what I was describing, maybe  
23 with too much HR ease or personnel ease.

24 But you really need to look at the content and  
25 understand how it functions and whether it has

1 functionality for you. I can talk to you about how it  
2 functions in terms of the recruitment, what we're looking  
3 for, dot, dot, dot, but ultimately, you have to look at  
4 that as how it functions for you.

5 CHAIR TURNER: Thank you.

6 Commissioner Akutagawa?

7 COMMISSIONER AKUTAGAWA: Yeah, thank you.

8 And I appreciate what Commissioner Ahmad just said.  
9 I will confess, I was curious about the numbers, so I  
10 didn't think that it would bias me, per se. But I was  
11 just kind of curious as to just at least how many have  
12 applied.

13 The way I'm looking at these job descriptions -- I  
14 guess I'll just use that word instead of RFP or  
15 recruitment. It's just simpler for me to say that. The  
16 job descriptions, I think, based on not only what we're  
17 hearing, but also our earlier conversation, particularly  
18 around the Communications Director, I think we need to  
19 make sure that there's going to be some capabilities, not  
20 just, I posted on Facebook, kind of capabilities, but  
21 someone who actually really understands how to use social  
22 media properly so that then they can help us communicate  
23 out using the kind of tools that are available now, and  
24 that may not have been -- you know, that may have -- it  
25 may exclude some people because there's going to be

1 certain skills we're going to need. But because we're  
2 looking for certain skills, I think that that's going to  
3 be important for us to, I think, keep in mind.

4 I also want to go back to something that  
5 Commissioner Sinay had said earlier in the day about  
6 understanding our capabilities as well, too. And I think  
7 I want to build on what I said yesterday about just  
8 understanding our styles. Because as I think about who  
9 the Executive Director is going to be, I think that also  
10 is an important role where we have to think about, where  
11 are the gaps that are going to need to be filled amongst  
12 us as well, too. Not just necessarily in terms of our  
13 professional skills, but also perhaps the kind of style  
14 capabilities that I think is going to be important, in  
15 terms of being able to compliment us and fill in those  
16 gaps. So that would just be my kind of comment there.

17 CHAIR TURNER: Thank you.

18 Commissioner Le Mons?

19 COMMISSIONER LE MONS: No comment.

20 CHAIR TURNER: Okay. So at this point, we're at  
21 4:30 now.

22 Raul, do you want to give us an overview? Let's  
23 just start and then we'll conclude our day.

24 INTERIM ADMINISTRATOR VILLANUEVA: No, actually I'll  
25 have everything ready for you tomorrow.

1 CHAIR TURNER: Okay.

2 INTERIM ADMINISTRATOR VILLANUEVA: We'll be starting  
3 with the content. I'll go a little bit into state and  
4 federal requirements, in terms of what you can and can't  
5 do, because some of that will impinge on you just because  
6 you're not civil service -- there's still some --

7 MS. JOHNSTON: Does anyone know where the  
8 applications are on the posting so that you can review  
9 them tonight?

10 INTERIM ADMINISTRATOR VILLANUEVA: You will not  
11 review them tonight. No.

12 MS. JOHNSTON: I'm sorry. The announcements.

13 CHAIR TURNER: (Indiscernible) --

14 INTERIM ADMINISTRATOR VILLANUEVA: The announcements  
15 are posted on the website.

16 MS. JOHNSTON: Right.

17 INTERIM ADMINISTRATOR VILLANUEVA: And they were  
18 sent.

19 But that's an excellent question. Does anyone need  
20 for me to resend them?

21 CHAIR TURNER: No.

22 UNIDENTIFIED SPEAKER: I wouldn't mind if you resent  
23 them.

24 INTERIM ADMINISTRATOR VILLANUEVA: I can certainly  
25 do that.



1 UNIDENTIFIED SPEAKER: (Indiscernible).

2 INTERIM ADMINISTRATOR VILLANUEVA: Thank you,  
3 Marian. I misunderstood what you were saying.

4 CHAIR TURNER: Okay.

5 MS. JOHNSTON: I misspoke.

6 CHAIR TURNER: That sounds like a great idea. We  
7 will start tomorrow with public comment again. So anyone  
8 that's listening, please do call in on public comment,  
9 general.

10 And then we will go, Raul, right to you for our next  
11 discussion.

12 Just so that you know, tomorrow being Friday, we do  
13 have speakers at 10 o'clock. The Census Bureau, Angelo,  
14 Karin at 10 o'clock. And we also have a speaker at 1:30  
15 for California's Diverse Demographics, from Eric, that'll  
16 be coming in. So if you can prepare for that for  
17 tomorrow as well.

18 INTERIM ADMINISTRATOR VILLANUEVA: Oh, my goodness.  
19 That's right. We'll have thirty minutes. Good luck.

20 CHAIR TURNER: So perhaps what -- (indiscernible) --

21 INTERIM ADMINISTRATOR VILLANUEVA: We'll cover as  
22 much as we can.

23 CHAIR TURNER: Yeah.

24 Commissioner Sadhwani?

25 COMMISSIONER SADHWANI: May I just put it out there?

1 And we don't have to talk about it now, but one of the  
2 things that we had done in our previous meetings, set a  
3 time limit of public comment.

4 CHAIR TURNER: Yeah.

5 COMMISSIONER SADHWANI: You know, it doesn't have to  
6 be the same. We had set two minutes before. It doesn't  
7 matter to me what it is that we set. But especially some  
8 of the comments that we received today, some were longer  
9 than others. So (audio interference) --

10 CHAIR TURNER: Thank you.

11 COMMISSIONER SADHWANI: -- why don't we just ask  
12 that as a Commissioner, think about that. And that also  
13 might assist us.

14 INTERIM ADMINISTRATOR VILLANUEVA: Yeah.

15 CHAIR TURNER: I think you're right. I think you're  
16 absolutely right.

17 One of the things that -- remember when we were just  
18 a Commission of eight, I think we said that we were going  
19 to have to re decide that we had the full fourteen. And  
20 so when we got in the middle of some of the comments, it  
21 was like, oh, we don't really have anything operational  
22 right now that we've done. So we will need to have the  
23 conversation to determine if we want to limit public  
24 comment to a certain time period or if we want to leave  
25 them open ended. And we'll --

1           Commissioners Sinay?

2           COMMISSIONER SINAY: Sorry about that.

3           One of the things we did that worked out well in the  
4 school board, because you want to have some flexibility,  
5 so we would use, I think, three minutes or four minutes.  
6 But if it was a tight day, then we would say, if we knew  
7 that there was going to be a lot of comments, then we  
8 would say two minutes. So you might want to say three  
9 minutes for our usual and two minutes if there's a lot of  
10 people. Just to give some flexibility?

11          CHAIR TURNER: Okay. So we'll continue the --  
12 Commissioner Kennedy?

13          COMMISSIONER KENNEDY: Yes. My understanding is  
14 that what we have currently is two minutes with an  
15 understanding that if someone isn't finished, they can go  
16 back to the end of the queue. And if they're the only  
17 person in the queue, then we're much more flexible on  
18 that.

19          MS. JOHNSTON: If I may, the two minutes was  
20 established by the first eight, so it would be best to  
21 have the full commission decide that.

22          INTERIM ADMINISTRATOR VILLANUEVA: Yes.

23          CHAIR TURNER: Thank you.

24          Commissioners, do you want to make -- should we just  
25 conclude for today and start tomorrow? Okay.

1           So at this point, we will recess for the day. We  
2 have that on our agenda, on our Things to Do list. And  
3 we'll start tomorrow morning at 9:30.

4           I thank you for your time and attention on today --  
5 and your focus. Good night.

6           MS. JOHNSTON: Good night. Thank you.

7           INTERIM ADMINISTRATOR VILLANUEVA: Good night.

8                     (Whereupon, the Public Meeting adjourned at  
9                     4:30 p.m.)

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LORI RAHTES, CDLT-108

July 18, 2022

DATE

